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OFFICIAL REPORT
(HANSARD)

Thursday, June 7, 2018

The Honourable GEORGE J. FUREY,
Speaker

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THE SENATE

Thursday, June 7, 2018

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, there have been consultations, and there is an agreement to allow a photographer in the Senate Chamber to photograph the introduction of new senators.

Is it agreed, honourable senators?

Hon. Senators: Agreed.

NEW SENATORS

The Hon. the Speaker: Honourable senators, I have the honour to inform the Senate that the Clerk has received certificates from the Registrar General of Canada showing that the following persons, respectively, have been summoned to the Senate:

Donna Dasko

Pierre J. Dalphond

INTRODUCTION

The Hon. the Speaker having informed the Senate that there were senators without, waiting to be introduced:

The following honourable senators were introduced; presented Her Majesty's writs of summons; took the oath prescribed by law, which was administered by the Clerk; and were seated:

Hon. Donna Dasko, of Toronto, Ontario, introduced between Hon. Peter Harder, P.C., and Hon. Ratna Omidvar; and

Hon. Pierre J. Dalphond, of Montréal, Quebec, introduced between Hon. Peter Harder, P.C., and Hon. Murray Sinclair.

• (1340)

The Hon. the Speaker informed the Senate that each of the honourable senators named above had made and subscribed the declaration of qualification required by the Constitution Act, 1867, in the presence of the Clerk of the Senate, the Commissioner appointed to receive and witness the said declaration.

CONGRATULATIONS ON APPOINTMENTS

Hon. Peter Harder (Government Representative in the Senate): It is my pleasure, as the Government Representative in the Senate, to welcome our newest colleagues, the Honourable Donna Dasko, from Toronto, and the Honourable Pierre Dalphond, from Quebec.

[*Translation*]

Senator Dasko brings her extensive knowledge of Canada's political world and public policy development to Parliament Hill.

[*English*]

She has the good fortune of counting many parliamentarians among her group of friends. Indeed, parliamentarians owe her a debt of gratitude for her work to ensure that women have an equal voice and place in Canada's political scene. As a former pollster and statistician, I am happy to share that, with the arrival of our new colleagues to the Red Chamber, we continue to narrow the gap with respect to gender.

[*Translation*]

As of today, we have 52 male senators and 43 female senators. This is not the parity you are looking for, but we will get there, senator, I'm sure of it. And you'll be here to witness it.

Senator Dalphond brings with him his considerable knowledge of Parliament and the upper chamber, in particular. As a judge of the Quebec Court of Appeal, Senator Dalphond had the opportunity to rule on the Senate. I quote:

> There is no doubt that this institution was a fundamental component of the federal compromise in 1867.

[*English*]

I'm told that more than a few Senate staff who are also lawyers are feeling a little star struck by your arrival. Looking over the course of his long career as a lawyer, judge and educator, the words arbiter and mediator jump off the page to me. I think you will find, senator, that those qualities will become very useful to us all in your new role.

Senators Dasko and Dalphond, I know the two of you will find your place very quickly in the Senate. Please know that I, and all of your colleagues, are here to help.

[*Translation*]

Welcome, both of you. I look forward to seeing you in action, and I thank you for joining our team.

• (1350)

[*English*]

Hon. Larry W. Smith (Leader of the Opposition): Honourable senators, I rise today to also offer sincere congratulations to our two new colleagues, Honourable Pierre Dalphond and Honourable Donna Dasko, who were named to the Senate yesterday on the recommendation of Prime Minister Trudeau. Conservative senators are looking forward to getting to know our new colleagues and in turn having Senators Dalphond and Dasko learn about us as individuals and the important work that we do collectively as the official opposition and, of course, as all members within this place.

[*Translation*]

The senator will represent our shared province of Quebec, where he is known as an eminent lawyer and mediator.

[*English*]

Senator Dasko has enjoyed a long career as a pollster and has worked as an advocate for women in politics. Today she becomes part of the political process in a different way, as a parliamentarian.

The professional experience of both of our new colleagues will certainly inform their work here as they have for all honourable senators.

As members of the Senate of Canada, we are entrusted with great responsibilities and our new colleagues join us today at a particularly interesting time. Many months of hard work and analysis by honourable senators, both in this chamber and in our committees, will culminate in a vote at third reading of Bill C-45, the government's legislation to legalize marijuana.

On behalf of all Conservative senators and all honourable senators in the house, I extend best wishes to Senator Dalphond and Senator Dasko and their respective families and friends as they embark on this new chapter in their lives today. Welcome to both of you.

Hon. Yuen Pau Woo: Honourable colleagues, it is my pleasure, on behalf of the Independent Senators Group, to extend a warm welcome to the Honourable Donna Dasko, senator for the province of Ontario.

My colleague Senator Saint-Germain will offer congratulations in a statement to follow for the Honourable Pierre Dalphond.

If Donna Dasko's name sounds familiar to you, it could be that she was mentioned only a number of weeks ago in a speech by Senator Omidvar, who told us about how she got started in Canada as a new immigrant with the help of none other than Senator Dasko.

You may also recognize her name from the many references in the media to her former role as Senior Vice-President of the Environics Research Group. As one of the country's leading pollsters, she has helped Canadians gain insight on many issues of public interest, including budget priorities, national unity and health promotion. She is also a TV and radio personality, having appeared many times on CBC and other networks to offer her expert analysis on policy and political issues of the day.

Therefore, it is no wonder that Senator Dasko is currently a lecturer and senior fellow in the School of Public Policy & Governance at the University of Toronto, where she teaches a course in public opinion and policy-making. We are very fortunate to have someone with such unique skills in public policy to be part of our ranks.

Senator Dasko is also renowned for her advocacy of women's participation in politics. She is the co-founder of Equal Voice, a national non-partisan organization with a mission of having more women represented at all levels of government in Canada.

It is fitting that on the day of her swearing in we are witnessing an election in her very province of Ontario where there is a substantial number of women candidates running for office; to be precise, 56 per cent of NDP candidates, 52 per cent for the Greens, 45 per cent for the Liberals and 32 per cent for the PCs.

In the words of Senator Dasko, "[W]omen are half the population and we should be there [in the federal and provincial legislatures] in numbers that are equal to men." These are not idle words. By applying to be an independent senator, she took a concrete step to increase women's participation in political life. With her appointment today to the upper house, she has raised the share of women in our chamber to a record high of 45 per cent. Colleagues, there are not many senators who set records on their first day of work, but she is one of them. May there be many more memorable moments to come.

Senator Dasko, we welcome you as our colleague and look forward to working with you.

Hon. Senators: Hear, hear!

[*Translation*]

Hon. Raymonde Saint-Germain: Honourable Senator Dalphond, I thought about beginning my welcoming remarks by enumerating some of the things you achieved during your brilliant career as a lawyer. However, I quickly changed my mind when I saw just how long the list of your professional accomplishments was, since, let's be honest, we have a very long sitting ahead of us. I will therefore get right to the substance of my remarks without any further ado.

As someone who has already earned the lifelong title of "honourable," your appointment is clearly based on your merit. You are joining the Senate at a time when this institution is trying to get back to the original constitutional role bestowed upon it by the Fathers of Confederation, and that is serving as a chamber of sober second thought.

As members of a democratic institution, we have the duty to help combat cynicism by meeting Canadians' high expectations and thus becoming deserving of their trust, all while complementing the work of the House of Commons, or the other place, if you prefer, since that is how we in the Senate usually refer to it. As we know, the lower chamber is made up of elected parliamentarians. Our duty is therefore not to thwart or unduly

delay action on the will of a legitimately elected government, but nor is it to passively and complacently approve its proposals. We must work to improve the quality of federal legislation and public policies to ensure they are more responsive to modern issues and the evolution of society.

[*English*]

A senator also assumes other responsibilities, including representing regions and protecting minorities. This requires an increased vigilance to abide by the Canadian Charter of Rights and Freedoms. Your expertise in constitutional rights, notably after all these years spent on the bench of the Superior Court as well as the Court of Appeal of Quebec, makes you an expert in this field and an undeniable source of knowledge. Suddenly, your reputation, your exceptional journey and your wisdom reflect on the credibility of this institution.

I also note your remarkable background in arbitration and mediation. All the members of this chamber will benefit from these assets. Indeed, you join an exceptional institution dedicated to analysis, where discussions are enriched by each member's expertise and life experience, a space where dissenting opinions are received with all due respect and absolute freedom of speech. Here, you will have the privilege to be able to assert your perspectives in an environment that is in the midst of an important transformation. You will undoubtedly come to master the work of the Senate with the same skill which, to this day, has allowed you to succeed in your distinguished career.

[*Translation*]

On behalf of myself and all members of the Independent Senators Group, I congratulate you on your appointment. We welcome you to the Senate of Canada, one of the highest forums of democracy.

Hon. Senators: Hear, hear!

[*English*]

Hon. Joseph A. Day (Leader of the Senate Liberals): Honourable senators, let me thank Senator Woo and Senator Saint-Germain for giving a full description of our new senators. I'll merely warmly welcome them on behalf of the independent Liberals and provide an abridged version of our welcome.

Your resumés are very impressive. Senator Dasko, representing the province of Ontario, is a sociologist, a pollster and well-regarded speaker and commentator on major areas of public policy. She led the way in incorporating public opinion into policy discussions. As co-founder and past national chair of Equal Voice, she has worked tirelessly to the goal of electing more women to public office in this country as we just heard from Senator Woo.

[*Translation*]

Senator Dalphond, who represents the senatorial division of De Lorimier in Quebec, is a lawyer, professor and former Appeal Court justice. He has dedicated many years to the education of others, mainly young lawyers and judges. As I already mentioned, he is a professor who teaches domestic and international arbitration at the Faculty of Law of the Université de Montréal.

• (1400)

[*English*]

Senators, both of you have accomplished much throughout your careers thus far, and I believe you will add your own unique perspectives and experiences here in the Senate as you take up matters on behalf of your various constituents. You will find throughout this chamber many dedicated and hard-working colleagues, senators who want what is best for their provinces and their country, as well as for this institution and the role it plays in Canada's Parliament. Each of us will be pleased to work with you on various matters that you undertake.

On behalf of the Independent Senate Liberals, we welcome you both to the Senate of Canada. My colleagues and I look forward to working with you.

SENATORS' STATEMENTS

STATEMENT FROM THE HONOURABLE JACQUES DEMERS

Hon. Chantal Petitclerc: Honourable senators, I would ask for your leave to make a statement on behalf of our colleague Senator Demers.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

[*Translation*]

Senator Petitclerc: Thank you very much.

Before I read the statement from our esteemed colleague, I would like to take this opportunity to say that it is a pleasure and a privilege for me to be speaking on his behalf and thanking him two years on. When I was appointed to the Senate, one of the first things I did was call up Senator Demers, whom I knew in another life, when we were both involved in sports and ran into each other on a regular basis.

My first reaction was to say, "I'll call the coach and see what he thinks." You won't be surprised to hear that Senator Demers, who is known for his enthusiasm, passion and conviction, was instantly thrilled for me. He was overjoyed and full of kind words and good advice.

[*English*]

He told me, "You have to say yes; you have to go." He also told me that I have to trust myself. You have to trust in what you can bring to Canadians and what you can bring, coming from sport, to this place. He also told me, you know, "Don't worry. They are all great people."

[*Translation*]

It is a pleasure for me to have this opportunity to thank him, and it is a privilege to read out this statement on his behalf.

[*On behalf of the Hon. Jacques Demers*]

Honourable senators, as you all know, on April 7, 2016, my life was turned upside down.

[*English*]

Over two years have passed, and here I am.

[*Translation*]

A stroke weakened me, but I can assure you, dear colleagues, that the joy and pride I feel today are worth the effort I put in.

[*English*]

I will continue to work hard, and I will get stronger and stronger.

[*Translation*]

Thank you for all your encouraging words, letters and cards. My office is keeping me up to date daily, and that is tremendously motivating.

[*English*]

Thank you, honourable senators, and I will come back very soon.

[*Translation*]

My thanks to you, coach. Come back anytime.

Hon. Senators: Hear, hear!

[*English*]

RAMADAN

Hon. Mobina S.B. Jaffer: Honourable senators, I rise today to speak to the holy month of Ramadan. Ramadan is the ninth month of the Islamic calendar, and it begins on the first sighting of the crescent moon. It was during this auspicious month that the holy Quran was revealed to the holy prophet Muhammad, may peace be upon him.

As a proud Ismaili-Muslim senator, I am honoured to commemorate this joyous occasion with my fellow Muslim brothers and sisters around the world.

[*Translation*]

Muslims celebrate this month by participating in prayers and fasting during the day. After sunset, families and friends gather for Iftar, the evening meal.

[*English*]

During Ramadan, Muslims also remind themselves of people around the world who live hand to mouth in war-torn countries. At this time I am painfully aware of the conflicts that devastate Muslim countries.

I think of the crises like the plight of the Rohingya, who are currently suffering through a brutal ethnic cleansing across Myanmar.

I think of the people like Rehena Begum, a Rohingya woman who had to walk for four days with her baby to reach the river separating Myanmar and Bangladesh. She had to flee her home after Myanmar's military burned down her home and slaughtered the rest of her family.

When Rehena Begum climbed on a boat to cross the river, Myanmar military came to their boat and started opening fire on anyone who tried to cross the river. While Rehena Begum's boat managed to make the trip, each other boat that attempted the journey was gunned down and sunk.

This Ramadan, I think of Rehena Begum, her child and the countless other Rohingya who were senselessly killed when trying to escape over the border.

[*Translation*]

I respectfully ask that Canadians spare a thought for those who cannot celebrate this holy month in the sanctuary of their own homes.

[*English*]

I would like to invite Canadians of all faiths to take the opportunity and join in the Ramadan celebrations when Muslims celebrate Iftar or for Eid al-Fitr, the holiday that marks the end of Ramadan.

Ramadan Mubarak to all.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Tomson Highway and Raymond Lalonde. They are the guests of the Honourable Senator McCallum.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

[*Translation*]

RONALD J. TURCOTTE, C.M., O.N.B.

Hon. Percy Mockler: Honourable senators, Canada has a reputation for producing legendary figures in every field, and especially in the world of sports.

[*English*]

Let us remember our Canadian legends: Jacques Demers, Yvon Durelle, Georges Chuvalo, Wayne Gretzky, Mario Lemieux, Maurice Richard, Jacques Plante, Sidney Crosby, Senator Nancy Greene Raine, Senator Chantal Petitclerc and another legend, Senator Paul McIntyre, our marathon senator; and let us not forget Senator Larry Smith from the Canadian Football League.

However, I want to remind the Senate of Canada today of another remarkable legend who — yes, 45 years ago — raised the eyebrows of all the world. First I want to share with you that, as he tried to follow in the footsteps of his father and his grandfather in the logging forest industry in Grand Falls, New Brunswick, it became evident that at five feet one inch tall and weighing 125 pounds it was going to be difficult to earn a living.

• (1410)

However, with his father's values wrapped around his belt, he was told at that camp, "You will be therefore handling the workhorses." Ron was convinced he could take on that responsibility. He followed his father's advice, who told him, "Have patience, my son, and build the value of a trusting relationship between man and horse."

In May 1960, at the age of 18, Ron Turcotte left his home in New Brunswick and went to Toronto, where he was hired as a hot walker for E. P. Taylor's Windfields Farm.

Honourable senators, later on, when he moved to New York in 1971, this Grand Falls resident embarked on a journey to become the unmatched legendary jockey of the world. I want to share with you, honourable senators, that nobody saw him coming; no one predicted it; all eyes were on the other jockeys and their horses. However, jockey Ron Turcotte and his "Big Red" horse named Secretariat, on June 9, 1973, captured the Triple Crown title. Turcotte became internationally famous by winning the first Triple Crown in 25 years. The phenomenal finish of Secretariat 31 lengths ahead of the field in Belmont Park remains the iconic image in the horse racing industry.

As I conclude, time does not permit me to list all his unprecedented achievements, but in his career wins of 3,200 runs, he is the jockey of the century.

From the Senate of Canada, we salute you; we salute Secretariat and we salute Ron Turcotte for being the best jockey in the world. Thank you, honourable senators.

Hon. Senators: Hear, hear!

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Manitok Thompson, John Douglas Thompson and Thomas Frederic Thompson. They are the guests of the Honourable Senator Patterson.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

JAMES J. (J.J.) MORRISON

INDUCTION INTO THE ONTARIO AGRICULTURAL HALL OF FAME

Hon. Robert Black: Thank you, honourable senators, for the opportunity to address you today. I rise today to briefly tell you about James J. "J. J." Morrison, who was born in 1861 in Mapleton Township, formerly known as Peel Township, just south of Arthur, Ontario, not far from my home in Wellington County.

Known as the father of the Ontario farm movement and a pioneer of agrarian politics and economics in Ontario, he was described by the national *Saturday Night* magazine in April 1923 as one of the keenest political minds this country had ever produced.

Leaving the farm when he was 25 to pursue various careers in Toronto, he worked in agricultural institutions such as the Dominion Grange and Farmers' Association and the Canadian Council of Agriculture before returning to Arthur to take over the family farm.

Sitting in his farmhouse in the spring of 1913, he pondered this question: "What could be done to stem the tide of overpowering commercialism, whose neglect of, and burden upon, the farming industry is slowly but surely enslaving agriculture and causing the decay of rural life?"

In answer to that question, he created a vision and provided leadership to transform Ontario agriculture and rural life in the early years of the 20th century.

Morrison helped found the United Farmers of Ontario, which was intended to support and defend the well-being of farmers, and the United Farmers Cooperative Company in 1914. The UFO grew rapidly, with more than 350 local organizations and more than 12,000 members in 1917. Two years later, membership swelled to more than 50,000.

The UFO won the provincial election in 1919. Declining to take the office of premier after the win in favour of E. C. Drury, J. J. Morrison continued to work behind the scenes to support the government of the day as they contributed to social legislation, including the Mothers' Allowance Act, a minimum wage act for women, increased workers' compensation benefits, increased rural electrification, and the creation of the Province of Ontario Savings Office to lower lending rates to farmers.

Of note, Morrison was acknowledged as a mentor to Agnes Macphail, the first Canadian woman to be elected to Parliament in 1921.

Because of his many accomplishments, I am delighted to share with you that he will be inducted into the Ontario Agricultural Hall of Fame on Sunday at their 2018 induction ceremonies.

An agricultural leader from Wellington County, J. J. Morrison is just one of the many leaders acknowledged in the Ontario Agricultural Hall of Fame who has contributed significantly to the growth and development of Ontario's agriculture and agri-food industry. Thank you.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Dr. Rhonda Semple. She is the guest of the Honourable Senator Coyle.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

[*Translation*]

AMYOTROPHIC LATERAL SCLEROSIS

Hon. Lucie Moncion: Honourable senators, I rise today to highlight that June is ALS Awareness Month. Amyotrophic lateral sclerosis is a neurodegenerative disease that causes gradual paralysis, as the brain loses its ability to communicate with the body's muscles. Over time, people with ALS lose the ability to walk, speak, eat, swallow and, eventually, breathe.

[*English*]

Right now, there are nearly 3,000 Canadian families living with ALS. Over the course of the disease, they require emotional and physical support, assistive devices and equipment. This disease is fatal, and it will kill nearly 1,000 Canadians this year.

As a member of the all-party ALS Parliamentary Caucus, I know I am not alone in my connection to this debilitating disease. I have also had the privilege of meeting with and hearing the stories of Canadians living with ALS. Many of us have had a loved one, family member or friend diagnosed, and our parliamentary community has witnessed first-hand the tremendous impact of the disease.

There is no cure for ALS and few treatment options available that have a significant impact on quality of life or life expectancy. Approximately 80 per cent of people with ALS die within two to five years of being diagnosed.

[*Translation*]

Despite this poor prognosis, there is hope. Tremendous progress has been made in ALS research in the last five years. With some promising clinical trials under way and Health Canada investigating a second treatment, Canadians living with ALS have access to new treatment options for the first time in two decades.

[*English*]

It is only through a commitment to research and equitable and timely access to treatment that we will see a future without ALS.

[*Translation*]

June is ALS Awareness Month. We can show our support for ALS research by wearing a pin or by participating in the Walk for ALS in our respective communities. Here in Ottawa, the walk will take place this Saturday, June 9, 2018, at the Canadian War Museum.

[*English*]

Honourable senators let us show our commitment to Canadians living with ALS and help create a collective hope for a future without ALS. Thank you.

[*Translation*]

ROUTINE PROCEEDINGS

COMMISSIONER OF LOBBYING

2017-18 ANNUAL REPORTS TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the Annual Reports of the Office of the Commissioner of Lobbying of Canada for the period ended March 31, 2018, pursuant to the *Access to Information Act* and to the *Privacy Act*, R.S.C. 1985,c. A-1 and P-21,s. 72.

2017-18 ANNUAL REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the Annual Report of the Office of the Commissioner of Lobbying of Canada for the fiscal year ended March 31, 2018, pursuant to the *Lobbying Act*, R.S.C. 1985,c. 44(4th Supp.),s. 11.

[*English*]

INFORMATION COMMISSIONER

2017-18 ANNUAL REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the Annual Report of the Information Commissioner of Canada for the period ended March 31, 2018, pursuant to the *Access to Information Act*, R.S.C., 1985,c. A-1,s. 38.

CRIMINAL CODE
IMMIGRATION AND REFUGEE PROTECTION ACT

BILL TO AMEND—TWELFTH REPORT OF HUMAN RIGHTS COMMITTEE PRESENTED

Hon. Wanda Elaine Thomas Bernard, Chair of the Standing Senate Committee on Human Rights, presented the following report:

Thursday, June 7, 2018

The Standing Senate Committee on Human Rights has the honour to present its

TWELFTH REPORT

Your committee, to which was referred Bill S-240, An Act to amend the Criminal Code and the Immigration and Refugee Protection Act (trafficking in human organs), has, in obedience to the order of reference of April 17, 2018, examined the said bill and now reports the same with the following amendment:

1. *Clause 2, page 2:*

(*a*) Replace line 1 with the following:

"**(a)** obtains an organ to be transplanted into";

(*b*) replace line 8 with the following:

"moval of an organ from the body of another";

(*c*) replace line 14 with the following:

"tion with a person who removes an organ";

(*d*) add the following after line 18:

"**(1.1)** For the purpose of this section, ***informed consent*** means consent that is given by a person capable of making decisions with respect to health matters and with knowledge and understanding of all material facts, including the nature of the organ removal procedure, the risks involved and the potential side effects.";

(*e*) replace line 20 with the following:

"pates in or facilitates the obtaining of an organ";

(*f*) replace line 22 with the following:

"ing that organ transplanted into their body or"; and

(*g*) replace line 28 with the following:

"imprisonment for a term of not more than 14 years.

240.2 A medical practitioner as defined in section 241.1 who treats a person in relation to an organ transplant must, as soon as reasonably practicable, report to the authority designated by order of the Governor in Council for that purpose the name of that person, if known, and the fact that the person has received an organ transplant.".

Respectfully submitted,

WANDA ELAINE THOMAS BERNARD
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

(On motion of Senator Bernard, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

• (1420)

HUMAN RIGHTS

BUDGET—STUDY ON ISSUES RELATING TO THE HUMAN RIGHTS OF PRISONERS IN THE CORRECTIONAL SYSTEM—THIRTEENTH REPORT OF COMMITTEE PRESENTED

Hon. Wanda Elaine Thomas Bernard, Chair of the Standing Senate Committee on Human Rights, presented the following report:

Thursday, June 7, 2018

The Standing Senate Committee on Human Rights has the honour to present its

THIRTEENTH REPORT

Your committee, which was authorized by the Senate on Thursday, December 15, 2016, to study issues relating to the human rights of prisoners in the correctional system, respectfully requests funds for the fiscal year ending March 31, 2019.

The original budget application submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee were printed in the *Journals of the Senate* on March 29, 2018. On April 17, 2018, the Senate approved the release of $126,878 to the committee.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee are appended to this report.

Respectfully submitted,

WANDA ELAINE THOMAS BERNARD
Chair

(*For text of budget, see today's* Journals of the Senate, *Appendix, p. 3628.*)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

(On motion of Senator Bernard, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

STUDY ON INTERNATIONAL AND NATIONAL HUMAN RIGHTS OBLIGATIONS

FOURTEENTH REPORT OF HUMAN RIGHTS COMMITTEE TABLED

Hon. Wanda Elaine Thomas Bernard: Honourable senators, I have the honour to table, in both official languages, the fourteenth report of the Standing Senate Committee on Human Rights entitled *Promoting Human Rights - Canada's Approach to its Export Sector*.

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

(On motion of Senator Bernard, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

[*Translation*]

LEGAL AND CONSTITUTIONAL AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTINGS OF THE SENATE

Hon. Serge Joyal: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

> That the Standing Senate Committee on Legal and Constitutional Affairs be authorized to meet on Wednesday, June 13, 2018, at 3 p.m., even though the Senate may then be sitting, and that the application of rule 12-18(1) be suspended in relation thereto.

[*English*]

HUMAN RIGHTS

COMMITTEE AUTHORIZED TO MEET DURING SITTINGS AND ADJOURNMENT OF THE SENATE

Hon. Wanda Elaine Thomas Bernard: Honourable senators, with leave of the Senate and notwithstanding rule 5-5(a), I move:

> That, until Wednesday, June 20, 2018, for the purposes of its consideration of government bills, the Standing Senate Committee on Human Rights:
>
> (*a*) be authorized to meet even though the Senate may then be sitting, with the application of rule 12-18(1) being suspended in relation thereto; and
>
> (*b*) be authorized, notwithstanding rule 12-18(2), to meet from Monday to Friday, even though the Senate may be then be adjourned for more than a day but less than a week.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

POWERS AND DUTIES OF THE AUDITOR GENERAL

JUNE 2015 REPORT ON SENATORS' EXPENSES — NOTICE OF INQUIRY

Hon. Anne C. Cools: Honourable senators, I give notice that, two days hence:

> I will call the attention of the Senate to the powers and duties of the Auditor General of Canada, the officer authorized by the *1977 Auditor General Act* to be "the auditor of the accounts of Canada," which officer and office was first constituted in 1878 by the statute *An Act to Provide for the Better Auditing of the Public Accounts*; and to the June 2015*Report of the Auditor General of Canada to the Senate of Canada* on Senators' Expenses, which Report failed to clearly express and identify the specific statutory powers of the *Auditor General Act* on which the Auditor General himself relied as the appropriate legal authority for his 2013 to 2015 audit examination of the Senate and senators expenses.

1987 *PETROFINA* CASE — NOTICE OF INQUIRY

Hon. Anne C. Cools: Honourable senators, I give notice that, two days hence:

> I will call the attention of the Senate to the powers and duties of the Auditor General of Canada, the officer authorized by the *1977 Auditor General Act* to be "the auditor of the accounts of Canada," which officer and office was first constituted in 1878 by the statute *An Act to Provide for the Better Auditing of the Public Accounts*; and to the 1987 Petrofina Case in the Federal Court of Appeal respecting the Auditor General's demand for access to specific documents respecting the purchase of Petrofina Inc. wherein Justice Pratte, concurring with the lead Justice Heald, ruled, saying "The respondent is the 'auditor of the accounts of Canada.' He is not the auditor of the accounts of Crown corporations like Petro-Canada."

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, pursuant to rule 4-13(3), I would like to inform the Senate that as we proceed with Government Business, the Senate will address the items in the following order: Second reading of Bill C-65 and all remaining items in the order that they appear on the Order Paper.

CANADA LABOUR CODE PARLIAMENTARY EMPLOYMENT AND STAFF RELATIONS ACT BUDGET IMPLEMENTATION ACT, 2017, NO. 1

BILL TO AMEND—SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Hartling, seconded by the Honourable Senator Wetston, for the second reading of Bill C-65, An Act to amend the Canada Labour Code (harassment and violence), the Parliamentary Employment and Staff Relations Act and the Budget Implementation Act, 2017, No. 1.

Hon. Salma Ataullahjan: Honourable senators, I rise today to speak to Bill C-65, An Act to amend the Canada Labour Code (harassment and violence), the Parliamentary Employment and Staff Relations Act and the Budget Implementation Act, 2017, No. 1.

I am pleased to be the critic on this important bill, although I am deeply dismayed that harassment and violence in the workplace has been and remains a prevalent issue in Canada. This legislation seeks to prevent incidents of harassment and violence, including sexual violence, in federal workplaces from occurring by requiring employers to prevent incidents and protect employees from those behaviours. It seeks to respond effectively to such incidents should they occur and to support victims, survivors and employers in the process.

• (1430)

Safe workplaces free of violence and harassment of any kind are crucial for the welfare of Canadian employees. As this bill moves forward, I will be paying particular attention to the issue of support for victims, which, in my view, is a critical aspect of this legislation.

Part 1 of this enactment amends the Canada Labour Code to strengthen the existing framework for the prevention of harassment and violence, including sexual harassment and sexual violence, in the workplace.

Part 2 amends Part III of the Parliamentary Employment and Staff Relations Act with respect to the application of Part II of the Canada Labour Code to parliamentary employers and employees without limiting in any way the powers, privileges and immunities of the Senate and the House of Commons and their members.

Part 3 amends a transitional provision in the Budget Implementation Act, 2017, No. 1.

As the sponsor of the bill, Senator Hartling did an excellent job outlining its provisions, so I will limit my comments to some of the impacts of workplace violence and harassment, including sexual harassment and issues of power imbalance.

The impact and consequences of workplace harassment and violence vary from person to person and are influenced by the duration and severity of the offensive behaviour. It is worth noting that harassment is frequently an ongoing pattern of behaviour.

When asked about harassment, violence or sexual violence in the workplace, respondents to an online survey report that harassment was the most prevalent type of behaviour, with 60 per cent having experienced it. Sexual harassment was experienced by 30 per cent, violence by 21 per cent and sexual violence by 3 per cent. Sadly, I suspect that the percentages are in fact higher.

As cited by the Office of Human Rights and Conflict Resolution at the University of the Fraser Valley, individuals often experience some or all of the following responses to workplace harassment or violence: disbelief, anger, self-blame, loss of self-confidence, powerlessness, isolation, withdrawal, illness, depression, loss of sleep, loss of appetite, increased anxiety or panic attacks, feeling demoralized, feeling humiliated, fear of going to work, an overwhelming sense of injustice, and increased absenteeism and sick leave.

The impact on employers is also consequential and includes human, operational and financial ramifications. When employees experience harassment or violence in the workplace, the effect on employers may include loss of talent and experience, performance errors, increased stress leaves, and/or higher turnover.

Employees' productivity will most certainly be reduced as a result of working in a climate in which individuals' integrity and personal boundaries are not respected.

Furthermore, harassment often reaches beyond the workplace and can have a devastating effect on the victims' families, relationships and friendships.

In terms of sexual harassment in the workplace, it has been described by Namma Angioni, a labour and employment lawyer who has worked on hundreds of sexual harassment cases, as a "slithering snake that ripples its way through a work environment causing disastrous results."

According to Abacus Data, sexual harassment of women in Canada is widespread; just over 1 in 10 women reported it is common in their workplace.

Women 30 to 44 years of age are the most likely to experience sexual harassment at work; 64 per cent reported that it happens, and 22 per cent said that it is commonplace.

Dr. Colleen Cullen, a clinical psychologist, has said that for victims the "... shame or guilt that a person may feel when sexually harassed at work can devastate their self-esteem and sense of self-worth as a professional," and, moreover, may have a long-term mental effect when experienced early in a person's career.

The European Union Commission on the protection of the dignity of women and men at work has reported that "... sexual harassment pollutes the working environment and can have a devastating effect upon the health, confidence, morale and performance of those affected by it."

Sexual harassment can be a significant obstacle to the integration, equality and promotion of women in the labour market. Victims often suffer both short- and long-term damage to their employment prospects if they are forced to change jobs.

When asked about particular risks that contribute to the occurrence of violence in the workplace, 34 per cent of people responded, and of those, 51 per cent said they had experienced violence when working alone or in small numbers, and 28 per cent had experienced violence when working late at night. I would note that both of these risks are frequently present for parliamentary staff.

The issue of power imbalance often forms part of the workplace harassment equation. It is never acceptable for a person to use their position of power to abuse or harass another, sexually or otherwise.

Here on the Hill where the issue of power imbalance is widespread, we must be especially vigilant. We must remember that parliamentary staff work at the pleasure of their bosses and often work in offices of only three or four people, where making a complaint could have dire repercussions in an often young person's career. Accordingly, this legislation will provide much-needed protection to Hill staffers and is a very good start. Let us be mindful, however, that there remains an onus on all of us to speak up and speak out against harassment and violence that happen here in this place, in our place.

In order to meet its stated objective, the government must ensure that in concurrence with the coming into force of this bill, regulatory amendments such as, but not limited to, identification of the essential elements of workplace harassment and violence prevention policy, an updated resolution process conducted by qualified and impartial persons, and an obligation for the provision of support to employees who have experienced harassment or violence in the workplace are implemented.

Honourable senators, the protection and well-being of federally regulated employees, including those who work on Parliament Hill, is of paramount importance, and I fully support this bill.

Such protection, however, cannot be achieved through legislation alone. In this regard, I call upon all Canadians to form a part of the solution and commit to eliminating violence and harassment in the workplace once and for all.

Thank you.

Some Hon. Senators: Hear, hear.

Hon. Sabi Marwah: Honourable senators, I rise today to speak in support of Bill C-65, An Act to amend the Canada Labour Code (harassment and violence), the Parliamentary Employment and Staff Relations Act and the Budget Implementation Act, 2017, No. 1.

At the outset, I would like to say I strongly believe a culture change in Canadian workplaces to prevent harassment and violence is long overdue. In a 2017 Abacus Data poll, when asked how frequent sexual harassment was in their workplace, 1 in 10 Canadians answered, "really quite common." This research also indicated that sanctions against harassers are rarely applied.

The Abacus poll is just one study of many that have shown what we have known all along, that these unwanted behaviours are prevalent in Canadian workplaces, including those under federal jurisdiction.

This bill addresses harassment and violence, issues that affect everyone. In 2015, the Government of Canada conducted a federal jurisdiction workplace survey. The survey concluded that there were a total of 295 formal complaints of sexual harassment brought to the attention of the employer. Of these complaints, 80 per cent were from women. That same year, there were 1,600 reported incidents of violence, and, surprisingly, 60 per cent of the injured or targeted employees were men.

Therefore, harassment and violence can exist in any workplace and can be committed by any individual.

There is a spectrum of unwanted behaviours, ranging from offensive remarks or jokes to bullying or aggression, inappropriate staring to isolating or taunting a worker because of their identity. The list goes on.

To better understand the types of harassment and violent behaviours that take place in Canadian workplaces, the Department of Employment and Social Development Canada conducted public consultations between June 2016 and April 2017. The results were shared through a publication titled *Harassment and Sexual Violence in the Workplace Public Consultations: What We Heard*.

• (1440)

Some of the findings from these consultations have already been shared with you by the bill's sponsor, Senator Harder.

Senator Ataullahjan has also mentioned some of the statistics, but here are some others: Among respondents who reported having experienced sexual harassment, 94 per cent were women. Those who experienced sexual harassment also tend to be in workplaces with a higher proportion of men in positions of power. People with disabilities and members of a visible minority group experience greater harassment than other groups.

The survey also concluded that incidents were under-reported significantly, often due to fear of retaliation. When reported, they were not dealt with effectively.

Stakeholders also indicated that clear written policies were necessary to indicate the kind of behaviours an organization considers to be workplace harassment or violence.

Colleagues, I do not wish to repeat the content of this bill. However, I would like to note the three main pillars the legislation is built around.

First, prevention. Employers must implement policies and programs to prevent incidents of harassment and violence. Examples include educational training on what constitutes harassment so that both employees and employers are informed and educated of their rights and obligations.

Second, responding effectively to these incidents. With Bill C-65, employees who wish to report an incident of harassment or violence will have a clear and comprehensive procedure to follow. Employers must investigate, record and report any instance of harassment or violence brought to their attention. To ensure all complaints receive appropriate response, a competent person will be appointed to undertake an investigation if the party is unable to resolve the situation themselves.

Third, support for victims. Victims of workplace harassment or violence must have access to resources that will support their recovery. Furthermore, the proposed rules would enforce strict privacy rules to protect employees and ensure all cases are handled confidentially.

Colleagues, workplace harassment in any form can undermine a person's dignity. If the harassment is left unchecked, as Senator Ataullahjan has said, it has a potential to escalate in behaviour. This leaves the victim with lifelong negative effects such as depression, anxiety and PTSD.

There is an economic argument, too. Between 2010 and 2015, through the United States Equal Employment Opportunity Commission, employers have paid out almost US$700 million to employees alleging harassment, and that is before the cases went to court. Even without an official lawsuit, harassment costs employers. Besides the direct costs, we have indirect costs that prevent employees from doing their jobs effectively, reduced engagement at work, lowered productivity and increased absenteeism, all of which costs money.

Honourable senators, I appreciate that there have been discussions about whether the bill addresses workplace harassment and violence in the best way possible. For instance, the role of workplace health and safety committees were discussed both here and in the other place. As the legislation currently stands, these committees will not be involved in specific complaints but will instead ensure the process is working as intended and all complaints are handled appropriately.

Is there room to allow employees to bring complaints before these committees? Would this be a breach of confidentiality? These are questions that I'm sure will be asked at committee.

Overall, Bill C-65 addresses a universally important issue. It is as non-partisan as you could hope for in this place. I remind you that Bill C-65 passed through the house with approval from all parties, and we should send it to the next stage with similar enthusiasm.

In summary, safe workplaces, free from harassment and violence, are critical to the well-being of Canadians. While Bill C-65 won't fix every issue surrounding harassment in the workplace, it is a strong step in the right direction and sends the message that we stand with victims and do not, under any circumstances, support the abusers.

Some Hon. Senators: Hear, hear.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

(On motion of Senator Hartling, bill referred to the Standing Senate Committee on Human Rights.)

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, I understand that there have been consultations, and there is an agreement that debate on third reading of Bill C-45 will be limited to 15 minutes per speaker, including time for questioning, and that there will be no extensions.

Is it agreed, honourable senators?

Some Hon. Senators: Agreed.

Hon. Larry W. Smith (Leader of the Opposition): Thank you, Your Honour. I was under the impression that leaders had a bit more than 15 minutes. Is that the case or not?

The Hon. the Speaker: It's not. My understanding is it's limited to 15 minutes per speaker.

Senator Smith: That's not exactly what we discussed. I will try to give you a perspective of Bill C-45 from our vantage point.

The Hon. the Speaker: Honourable senators, just for clarity, what honourable senators just agreed to do is to limit all speakers to 15 minutes, including time for questioning, but I'm hearing some rumbling that that may not be the case. Is it or is it not the case?

[*Translation*]

Hon. Claude Carignan: My understanding is that the leaders have an unlimited amount of time and critics and sponsors have 45 minutes, despite the fact that they probably won't use all the time they are entitled to. In any event, they are entitled to more than 15 minutes.

[*English*]

Hon. Yuen Pau Woo: I have no problem with that.

Hon. Donald Neil Plett: Well, Your Honour, as I said the other day, we did negotiate amongst the four groups how it would go, and we decided that today we would be back to normal speaking times. Normal speaking times, I believe, as Senator Carignan points out, is 45 minutes for a sponsor and critic, and unlimited for leaders. We also agreed that there would be no additional time granted. For example, 45 minutes means 45, not 50; 15 minutes means 15, not 20.

The Hon. the Speaker: Honourable senators, let me rephrase this. Is it agreed that the speaking time for senators on third reading of Bill C-45 will be for 15 minutes, including times for questions, with the exception of leadership and the sponsor and critic of the bill?

Hon. Senators: Agreed.

CANNABIS BILL

BILL TO AMEND—THIRD READING—DEBATE

On the Order:

> Resuming debate on the motion of the Honourable Senator Dean, seconded by the Honourable Senator Dupuis, for the third reading of Bill C-45, An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts, as amended.

Hon. Larry W. Smith (Leader of the Opposition): Honourable senators, I rise today to speak to third reading of Bill C-45. Let me begin by taking the time to recognize the substantial work that has taken place in the Senate over the last few months, and that involves everyone in this room.

Honourable colleagues, we said right from the beginning that the goal of the Conservative caucus was not to be obstructionist with this bill. We insisted on constructive evaluation, and we have done that. Our goal as senators is to work to promote and preserve the best interests of the Canadian population simultaneously.

Many hours have been dedicated to the study of Bill C-45. While the government insisted on a speedy passage of this bill to be provided by April 27, that was not our view, and we demanded the thorough and transparent debate that is poised to conclude today.

[*Translation*]

As for these multiple applications, the five Senate committees that studied Bill C-45 heard the testimony of First Nations, representatives of provincial, territorial and municipal governments, health professionals, addiction experts, law enforcement representatives, American and Canadian lawyers who specialize on cross-border legal issues, international law experts, transportation and road safety professionals, federal government ministers and officials and, of course, a great many stakeholders and groups that will have to deal with the consequences of this bill across Canada.

[*English*]

With respect to all witnesses who came before us, your voices have been heard. We listened to the serious issues that you have raised and, as an official opposition, we have made every effort to ensure that your concerns are heard by the government.

• (1450)

We have heard significant concerns related to the implications that this legislation will have on our youth, on the safety of our communities, on our neighbourhoods and streets and, to be frank, on some of the most vulnerable in our society. Too many Canadians are still inadequately informed by the government on the implications and potential consequences of this legislation.

Some of the consequences include greater risk for our youth, given the impact that marijuana consumption can have on the development of the brain under the age of 25 years; greater challenges for law enforcement and first responders in dealing with the consequences of marijuana legalization on our roads and highways, i.e. no testing equipment to determine THC levels; impacts on job performance and job safety, given what will be likely increase in recreational marijuana use; a greater availability of marijuana in our communities, in particular for youth; wide-ranging health challenges and resulting implications for our public health system; implications for cross-border travel by Canadians who may use marijuana legally in Canada but with no expectation that the discovery of this fact may lead to a lifetime ban from entering the United States; implications for the smooth flow of cross-border trade if Canadian travellers end up facing greater scrutiny at the border from U.S. customs officers.

Obviously, I will not deal with the myriad issues that I presented, but I picked three.

On public education and awareness, the government's official declaratory objective for the legislation is that it is better to protect the public by legalizing and regulating marijuana. Please allow me to quote from the bill directly, from clause 7:

> The purpose of this Act is to protect public health and public safety and, in particular, to . . . protect the health of young persons by restricting their access to cannabis . . . deter illicit activities in relation to cannabis . . . reduce the burden on the criminal justice system [and] . . . enhance public awareness of the health risks associated with cannabis use.

The intentions are clearly identified in the legislation, but that seems to be the extent of the effort that has been made to implement the objectives. Although the government claims to be aware of the importance of a public awareness campaign, Canadians have yet to see any real effort made to communicate honestly and openly with them about the implications of this legislation. It's one thing to claim the marijuana public education and awareness campaign is a priority but it's another to actually make it a priority.

Normally, when a government initiative is launched, goals and targets are set and key deliverables are identified. Targeted and strategic communication products are prepared to help Canadians understand any potential implications of a pending change in public policy. I cannot understand why the government has not done that in this case. Through our studies of this bill, it is clear that Canadian children and youth will be more exposed to marijuana than they have been before. Evidence from other jurisdictions that have legalized marijuana confirms that organized crime does not disappear when marijuana laws are removed or loosened, and greater accessibility to that product is inevitable.

It is odd that the government does not wish to draw attention to this. Instead, they are claiming the opposite will happen and that organized crime and accessibility to illicit cannabis will be reduced. Through our studies of this bill, we have found that this is not to be the case. Since the beginning of our evaluation of this bill, we have personally raised questions. I've raised questions on the lack of educational campaigns for the Minister of Health during the Committee of the Whole that took place in February. At that time, the minister promised that the campaign would start in March.

On March 21, I sent a letter to the Health Minister as a follow up on the status and implementation of the educational campaign as I had not yet seen the rollout of any meaningful campaigns. March came and went with no update on their plan to educate Canadians.

[*Translation*]

On April 11, I asked the Minister of Health once again to grant Senator Carignan, Senator Seidman, and myself an information session focusing on the public awareness campaign. My request was denied.

[*English*]

As I said, on April 11, I asked the minister to have an update meeting; it never happened. On May 11, the Health Minister responded to my requests for further information on the rollout plan of this national public education campaign. The minister said it would be launched in March 2018. It became evident in the response that national campaign was a Health Canada questionnaire and answer website on marijuana. A more substantive public education campaign remains to be delivered to Canadians.

In preparation for today's speech, I happened upon the following quotation from our Prime Minister. It includes the following phrase:

> I am a teacher. It's how I define myself.

How can the Prime Minister of Canada, who identifies himself as a teacher valuing the importance of providing tools required for people to succeed, not see the crucial importance of ensuring that people are prepared for the serious challenges that are likely to result from the very legislation that he is proposing? The government's failings on the matter of public awareness is significant, and I predict it will be immediately apparent as questions are asked post-legalization for which the government will have few, if any, answers.

One example of the lack of certainty concerning potential implications post-legalization between the Canada and U.S. border is one I raised four months ago. I posed some detailed questions to the Minister of Public Safety regarding the number of times he has raised the treatment of Canadians at the border who admit to prior marijuana use with his counterpart in the U.S. Department of Homeland Security. To date, absolutely no answers have been provided. Why would that be? The lack of information related to many consequences of Bill C-45 should be the subject of real concern to every senator in this chamber.

Another issue is First Nations. I also wish to discuss the matter of consultations with our First Nations people. We have heard a lot from some senators in this chamber and in committee about the obligation of the government to engage in meaningful consultations when policy initiatives directly impact First Nations communities. What I find particularly troubling is the lack of culturally and linguistically sensitive public education materials available for Indigenous communities. We had Indigenous young people with us yesterday. I had a chance to talk to 10 of these young people. I asked the question, and the answer I received was the same: no culturally sensitive programs.

The Standing Senate Committee on Aboriginal Peoples heard loud and clear that these materials were still in the process of being prepared and that there had been a lack of meaningful consultations with their communities. All of these concerns remain only a few weeks and days from legalization. The committee has heard clear evidence from Indigenous health organizations that a linguistically appropriate approach to education is necessary in order to meet the needs of Indigenous people. Such an approach would allow Indigenous communities to shift from what the National Native Addictions Partnership

Foundation has called a fear-based response to one that would be a strength-based harm reduction approach in relation to the impact of marijuana.

Given that we have heard continuously from the government that a central pillar of Bill C-45 is to protect youth, it is troubling that no public education campaign that is linguistically appropriate for Indigenous communities has been launched to date. What is surprising about this with regard to the Indigenous community is that a unanimous recommendation put forward by the Aboriginal Peoples Committee to require the minister to table a comprehensive report responding to concerns related to legalization and its impact on Indigenous communities was rejected by independent Liberal senators at the Social Affairs Committee.

These concerns included the matters of tax sharing, the development of appropriate educational materials and programs, the need for funding and establishment of mental health and addiction programs, the need for residential treatment and healing centres and the need for adequate nursing and policing services. On this issue, it seems the ideology of marijuana legalization trumped the ideal of adequate consultation.

Yesterday we heard Senator Harder read a letter from the government at the eleventh hour stating they will do a review, they will address infrastructure needs and they will develop a culturally sensitive education program. That's great, another promise made. The question: Will this promise be kept? We will see.

Respect and power balance is the final subject. A final matter I wish to reference is the need to respect the constitutional responsibilities of the provinces and the balance of responsibilities between the federal and provincial governments.

[*Translation*]

The National Assembly of Quebec determined that in the interest of Quebecers, legal marijuana should be grown only by licensed producers. Jean-Marc Fournier, Quebec minister responsible for Canadian relations, said that Quebec has the right to prohibit home cultivation, and I quote:

> . . . to limit access and prevent the trivialization of cannabis for minors and young adults, since access is the major determining factor in cannabis use.

• (1500)

**He added:

> Home production prevents us from providing relevant information and assessing whether some customers might have special needs associated with cannabis use.

He also noted that Quebec's objective is the following:

> . . . to limit the illegal sale of cannabis and avoid creating networks of personal producers.

A few weeks ago, however, the Prime Minister reiterated his intention of proceeding with home cultivation, regardless of what Quebec said. In other words, in Prime Minister Trudeau's vision of federalism, the nation of Quebec and the members of its National Assembly have no say in how this new law is applied.

There is then a conflict that needs to be resolved between Quebec, which wants to keep its residents safe, and the federal government, which refuses to listen to Quebec.

[*English*]

Manitoba has also noted its desire to ban home cultivation. Minister of Justice Heather Stefanson and Minister of Health Kelvin Goertzen have referenced the very serious public health and safety concerns that flow from this proposed legislation. Specifically, they called for an amendment to Bill C-45 that would provide certainty that the provinces and territories will be able to have the legislative authority to further restrict home cannabis production.

Both the provinces of Manitoba and Quebec have been firm that Bill C-45 must address this issue to help avoid legal challenges in the future. It is very important that this issue be addressed in the amendment made to the legislation at the Social Affairs Committee, a recommendation that was also unanimous with members of the Legal and Constitutional Affairs Committee. It's fair to say that it therefore reflects a strong consensus of support in this chamber, and it reinforces the central role that the Senate must play in reflecting regional concerns.

We will be watching very closely for the federal government's response to this amendment, which I think will test the current government's depth of commitment to flexible federalism and its willingness to permit provinces to respond to Bill C-45 in a manner that at least preserves some ability to protect their own citizens.

I'm moving toward my conclusion, and I've been fantastically faster than 45 minutes.

Senators, I remain concerned about the serious flaws in Bill C-45. Senators opposite in this chamber have made references to this bill as a social experiment. They say it's a type of legislation that the government should be introducing in order to test new social and legal concepts. In particular, I've heard: "We will learn as we go."

But of course, for the most part, we will not be the ones who have to deal with the resulting growth of marijuana accessibility in communities and to children. We may not be the ones potentially denied entry into the United States for past marijuana use as American scrutiny of Canadians at the border increases. Nor might we be members in Indigenous communities forced to deal with legalization and having insufficient resources.

While I do believe that senators have made some modest improvements to this legislation, the bill remains fundamentally flawed. The government has been focusing on ensuring that marijuana would be made legal this summer instead of ensuring that Canadians are duly protected. This is especially clear in the introduction of over 50 technical amendments to clean up some of the discrepancies within the bill — 50 technical amendments.

When Bill C-45 becomes law, it will change lives. It will have an impact on our children, our grandchildren and in communities from coast to coast to coast. This is not a bill that will impact the few; rather, it is one that will impact all Canadians in more ways than one.

Moving forward, I hope that we can work together to ensure that all Canadians are respected, with their voices continuing to be heard.

Colleagues, in summary, this bill is about how we manage risk. Do we do more work at the front end to potentially reduce risk, or do we scramble as we go forward to repair problems of unintended consequences that arrive from this social experiment? Thank you very much.

The Hon. the Speaker *pro tempore*: Senator Mitchell, on debate.

Hon. Grant Mitchell: Colleagues, when I look at the list of speakers today, I'm convinced there will be many very interesting speeches on third reading of Bill C-45, but it will come as a surprise to you that this won't be one of them. So I'm going to make it as quick as possible.

However, it is an opportunity for me to speak to something upon which there is broad agreement — I understand that there is. I have two technical amendments to an amendment that was passed by the Social Affairs Committee and which is in the report now.

The problem is that, upon reflection, two issues and concerns have arisen. One that is that while the desire of the committee and, subsequently, of the chamber was to ensure that both a Senate committee and a committee of the House of Commons would review after five years, the wording is such that it might be either/or.

The subclauses I'm referring to are 151.3(1) and 151.3(2). In the second subclause, because we will have two committees reporting, we will have to specify an "s" to make it "the committees" rather than "the committee."

MOTION IN AMENDMENT ADOPTED

Hon. Grant Mitchell: Therefore, honourable senators, in amendment, I move:

> That Bill C-45, as amended, be not now read a third time, but that it be further amended on page 91 by replacing clause 151.3 (added by decision of the Senate on May 30, 2018) with the following:
>
> "**151.3 (1)**Five years after this section comes into force, a committee of the Senate and a committee of the House of Commons are to be designated or established for the purpose of reviewing this Act.
>
> **(2)** The committees designated or established for the purpose of subsection (1) must undertake a comprehensive review of the administration and operation of this Act and must, within a reasonable period after the review, cause a report on the review, including any findings or recommendations resulting from it, to be laid before each House of Parliament.".

The Hon. the Speaker *pro tempore*: In amendment, it was moved by the Honourable Senator Mitchell, seconded by the Honourable Senator Harder, that Bill C-45 be not read a third time, but that it be amended on page 91, by replacing clause 151.3 — May I dispense?

Are honourable senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion in amendment?

Hon. Senators: Agreed.

(Motion in amendment of the Honourable Senator Mitchell agreed to.)

[*Translation*]

Hon. Marc Gold: Honourable senators, supporting this bill was a pretty easy decision for me. I always felt that the criminal justice system was the wrong tool for dealing with cannabis possession and use. I have actually been studying the issue of marijuana legalization since the late 1960s, so when the government tabled Bill C-45 in Parliament last year, I will admit that I already supported it.

I spent the last winter break poring over the bill. I thought it was a sensible response to the public policy problems the government was facing, which, as I understand it, are the social problems caused by the criminalization of the possession and use of cannabis in Canada. It was not perfect. What bill is? But I came to the conclusion that it deserved my support, and I said so in this chamber. In my speech at second reading, I gave the following five reasons for supporting Bill C-45.

First, our current approach of criminalizing the use of cannabis is a complete and utter failure. Criminalization has not helped reduce cannabis consumption among teens or adults in Canada, and it has created a large, unregulated black market dominated by criminals.

• (1510)

Second, the criminalization of cannabis possession has seriously compromised our ability to educate Canadians, particularly young people, on the real health risks associated with cannabis use.

Third, the criminalization of cannabis undermines Canadians' respect for criminal law and the legal system in general.

Fourth, criminalization has harmful consequences for all Canadians who end up in the criminal justice system, and these consequences disproportionately affect young people and the most vulnerable.

Last, the bill establishes a healthy balance between the legitimate roles of Parliament and the provincial legislative assemblies in responding to the health, education, and social considerations of cannabis use in our country.

[*English*]

Nothing that I have heard during the committee hearings or during debate in the chamber has given me any reason to change my mind. On the contrary, based upon the evidence that we heard, I am even more convinced that Bill C-45 is not only a reasonable response to the social problem, it is the appropriate response.

But the months of study and debate have done much more than simply reinforce my initial support for the bill for I have learned a great deal in the course of our studies. I learned that although there are real health risks associated with cannabis use, they are not as serious as opponents of the bill would make them out to be. But at the same time, I learned a great deal more than I knew before about some of the negative impacts that cannabis use has had in many Indigenous communities.

I also learned that legalization will open up important avenues of research. Research that has been sorely lacking due to the criminalization of cannabis. Research that will be critical to better understanding both the risks and the possible benefits of cannabis use. Research that will inform our ongoing efforts to educate Canadians about how to approach cannabis use in a responsible manner.

Most important, honourable senators, I learned a great deal about our legislative process in the Senate, and how we can, and indeed do, add real value in the discharge of our obligation to review proposed legislation.

Much of what I learned was positive. I thought that the fact that we structured the process in terms of fixed dates and themes, both at committee and in the chamber, was very helpful in addressing the range of issues in a thorough and coherent manner.

Regardless of one's position on the legalization of cannabis — and reasonable people do and will continue to disagree — all I think would agree that Bill C-45 is a historic and very complex piece of legislation. For my part, I'm much more than satisfied that all relevant issues were canvassed comprehensively and in great depth. Just as we did in our debate on medically assisted dying, this structured approach to Bill C-45 will serve us well when we confront other equally challenging pieces of legislation.

In that regard, we owe a vote of thanks to the leaders of all groups in the Senate for working together to organize our study of the bill in an effective manner. And we owe a special vote of thanks to Senator Dean for the open, balanced and non-partisan approach he took to his role as sponsor. And although one is not supposed to mention senators who are not present, with leave of the Senate, may I also offer our collective thanks to Senator Seidman, who fulfilled her role as opposition critic in her usual professional and constructive manner.

Hon. Senators: Hear, hear!

Senator Gold: Honourable senators, I conclude where I began. In my opinion, Bill C-45 is the appropriate response to the social problems caused by the criminalization of cannabis use in Canada. Implemented sensibly and monitored appropriately, Bill C-45 will move us forward in addressing the real issues associated with cannabis use by Canadians of all ages, backgrounds and circumstances.

Clearly I support Bill C-45. I encourage all honourable senators to do the same. Thank you.

The Hon. the Speaker *pro tempore*: Do you have a question, honourable senator?

Hon. Sandra M. Lovelace Nicholas: Yes.

The Hon. the Speaker *pro tempore*: Would you accept a question, Senator Gold?

Senator Gold: Of course.

Senator Lovelace Nicholas: Don't you think that prescribed medical marijuana is better than prescribing opioids?

Senator Gold: Thank you for your question. The short answer is yes. I'm not a doctor so I wouldn't presume to know all the circumstances in which it would be helpful, but from my own experience — and I suspect most of us have experience with colleagues, friends and family members — there is no question in my mind that the responsible and supervised use of certain cannabis products for certain conditions provides enormous relief and benefit to Canadians. It is certainly better than the use and overuse of prescription drugs like opiates, which, though necessary for pain relief in acute circumstances, has caused devastating negative impacts on so many thousands if not millions of users.

The Hon. the Speaker *pro tempore*: Senator Gold, would you accept another question?

Senator Gold: Yes, with pleasure.

Hon. Marty Deacon: Thank you, Senator Gold. As I listen today, I must say that the decision, contrary to what you may have expressed this afternoon, was not an easy one for me. I'm that newer independent senator who 15 weeks ago could not envision supporting the legalization of cannabis. I certainly learned, like many, very quickly the complexity, our vulnerability, the need to ask many questions —

The Hon. the Speaker *pro tempore*: Are you on debate or are you asking a question?

Senator Deacon: I'm going to ask a question. The need to do all these things. As we have gone through the past six weeks and much more information, and from our different experiences, I would like to ask you today, based on what you have said, do you believe that due diligence has been done at all levels and in every corner possible? Do you believe that the prime purpose of this bill is still to help our youth and regulate cannabis? Do you believe that, if this bill is passed, there will be an accountability

and monitoring framework to ensure that all Canadians are educated to have a deeper understanding of their actions and decisions?

Senator Gold: Thank you very much for your question. There were three or four questions. So the answer is yes, yes, yes and yes, if there was a fourth one.

With regard to due diligence, let's leave aside the decades of work and study and reflection on this issue and just start with the task force. Let's leave aside the task force and the work that they did. The House of Commons studied this bill extensively. Most important, we did. I don't have the statistics at hand. We have had dozens and dozens of committee meetings, hundreds of witnesses, hours and hours of good debate — some of our finest debates. I'm more than satisfied that in the Senate we have completed a process of very rigorous, critical scrutiny and review.

Vis-à-vis your question about the prime purpose, this is a complex issue of social policy; and, therefore, it's a complex bill so it has multiple purposes. They are set out in clause 7 of the bill. Certainly protecting youth is one of them and of great concern. Equally, as well, the bill serves the important purposes of reducing the stigma and marginalization of adults and youth who are exposed to the criminal justice system through the criminalization of cannabis as it has been. There are others, and I won't elaborate; it will be a long day.

Vis-à-vis the accountability and monitoring framework, there is a lot to say there. I'll be very brief. The bill itself, as amended by the Social Affairs Committee, and further amended here, provides clear review and reporting for the Senate. There is more than that. We have heard talk and the importance of perhaps getting third party independent monitoring of the legislation as it rolls out because we can characterize it differently, but there will be bumps on the road. It's not irresponsible to acknowledge that when we pass a complicated piece of legislation. But it is responsible to put into place monitoring mechanisms so that we can quickly respond as we need to with the flexibility and the diligence that the issues and Canadians require.

• (1520)

In addition to those formal mechanisms, let's not forget the power that we have in this place. In the Senate, we have the power to ask questions, to demand written answers and to hold the government to account. We have the ability, through our committee system, to demand reports — I'm getting caught up in this; I get excited. We have a lot of tools at our disposal. We can launch inquiries. We can insist upon timely reports. We don't have to wait five years to get information on how it's working, and we can use — if it's not an inappropriate term — the bully pulpit that we have as senators to bring these issues to the public's attention. I've forgotten civil society. We get caught up in our little bubble on the Hill, but the world will be watching. That is, our world, the media world — some of them are probably here today — and the rest of the world.

Honourable senators, I have no doubt whatsoever that the implementation of this bill is going to be studied and reviewed. It's going to be reviewed with critical eyes, especially by those who remain concerned, if not fearful, of the consequences of what I believe and what I hope we'll do today if and when we pass this bill.

The answer, then, is yes. Thank you for your questions.

Hon. Leo Housakos: Would Senator Gold take a question?

Senator Gold: Of course. Have I ever refused you before?

Senator Housakos: I can't ever recall an occasion.

You referred to all the decades of scientific work that the government has done on this particular bill. Can you refer us to any one study in the last five years that's been done by any ministry of the federal government to gather data or science-based information about how much marijuana is flowing through the system, other than, of course, a study commissioned by the health ministry earlier this year, either in February or in March, in order to do an analysis of the waste water treatment across this country? I want to point out that was commissioned in February or March, but they haven't even started the work yet. Has there been any other data-based study by any other relevant ministry that I missed?

Senator Gold: Thank you for your question. I do not believe I said — because I wasn't intending to say it — that it was government studies over decades. I said that this is an issue that has been studied over the decades. It certainly was studied in the Le Dain commission and, in this place, in the Senate committee. It has been studied by academic research scientists and was contained in public policy issues over the years. If I gave the impression, Senator Housakos, that I was referring to specific federal government studies, I apologize for that.

What I meant to say was — and I think the point still stands — that this is an issue that thoughtful, experienced, serious people have been wrestling with for decades, and properly so. We didn't come to it cold. So when the bill was introduced, it was based upon decades and decades of thoughtfulness, consideration and experience with what the current criminalization prohibition had brought and the havoc that it had wrought on our communities.

Hon. Art Eggleton: Honourable senators, I rise to speak to this bill on our final segment of the third reading debate of Bill C-45, the cannabis act, as amended.

During our study of the bill, your Social Affairs Committee heard from 136 witnesses over the course of 53 hours for a total of 19 meetings. This in addition to considering the reports of four other Senate committees. Needless to say, there was much debate and consideration of arguments.

During this time, I could not help but think that our country likely had similar debates around the lifting of prohibition on alcohol almost a century ago. As it turns out, many of the same concerns we hear today were present then, so let's go through a bit of history here.

Prohibition of alcoholic products in Canada largely fell to the provinces. By 1917, all provinces but Quebec had put temperance into law.

In my home province, prohibition was instituted in 1916 by the Ontario Temperance Act. This remained in place for about a decade until Conservative Party leader Howard Ferguson won a second term as premier in 1926 by campaigning on a pledge to lift prohibition. That's sort of a reversal of roles, I would say.

Like now, many feared what a post-prohibition world might look like. When Ferguson called the election, his Attorney General W.F. Nickle submitted his resignation, believing that the party's alcohol policy would "lead to disaster in which I would not care to share."

The *Toronto Star* editorial board stated that:

> The elector must decide whether he wishes Ontario to abandon a law which has eliminated two-thirds of the drunkenness in Toronto . . . and substitute a system which has increased drunkenness in Winnipeg 40 per cent, in Calgary 52 per cent —

— and, Senator Mitchell —

> — in Edmonton 111 per cent.

Here's another reversal of roles. The leader of the Progressives, William Raney, stated that: "The Ontario Temperance Act has done much good by reducing temptation to the youth of Ontario by producing a more sober citizen, by lifting homes from squalor, want and crime . . . ."

In spite of these concerns, Ferguson's Conservative government overturned prohibition by passing the Liquor Control Act, creating the Liquor Control Board of Ontario, known today as the LCBO, which in Ontario has also been given the responsibility to administer retail sales. This system of regulation and government control over the dispensation of liquor has stayed with us for close to 100 years.

What Bill C-45 aims to do is to introduce a system similar to that which Ferguson did in 1927. In fact, if you substitute his references to liquor with "cannabis," Premier Ferguson may as well have been speaking today, when he said — listen to this: "This legislation is designed not to suppress liquor traffic entirely, but to control it. We're not here to increase the consumption of liquor. We're here to protect the people — especially the rising generation — from being poisoned under the vogue of the past few years."

So, colleagues, it is not my intention here to gloss over the struggle many Canadians experience with alcohol. It would be thoughtless to assert that all the harms associated with it have been eliminated. However, in spite of the warnings, social order in Ontario did not unravel when prohibition was overturned.

Senator Mercer: That was later on.

Senator Eggleton: Yes; it's unravelling today.

On the contrary, when the chief public health officer looked at Canadian drinking habits in 2015, Ontarians had the second-lowest instance of heavy drinking of any province, as well as one of the lowest drunk driving rates. It must be said that some political leaders in Ontario have found this system so successful that they have suggested, in this election campaign that ends today, that we should put it now in corner stores — alcohol, that is.

I believe we will see similar results from Bill C-45. This, after all, is a harm reduction bill, not a harm elimination one. No one is arguing that cannabis can't cause harm, like alcohol, if it is used to excess. Rather, what this acknowledges is that our current approach towards the substance is broken. Our prohibitive approach does not deter its use. Canadians, particularly young Canadians, are some of the highest consumers of cannabis in the world.

All prohibition has done is prohibit a reasonable public health approach to cannabis consumption. Rather than buying a regulated product with the appropriate health warnings clearly labelled on the package, Canadians meet on sidewalks, back alleys or high school stairwells to make their purchase. They have no way of knowing the THC content of what they are consuming. Worst of all, prohibition is fuelling an illicit market, and the seller will likely have more addictive, destructive substances on offer.

As our committee was told by Dr. Le Foll, Medical Head of the Centre for Addiction and Mental Health, CAMH, the largest institution of its kind in this country dealing with mental health:

• (1530)

> We should take an overall public health approach, not a criminal law approach. We can greatly reduce the harms of illicit drugs, including cannabis, by focusing on the underlying public health issues. Most of the harms are caused by the laws we have put in place, rather than by the drugs themselves.

This was a point reiterated by the Criminal Lawyers' Association, who told us that:

> In simple terms, it is the criminalization of marijuana, not marijuana itself, that is responsible for these harms.

Making matters worse is the fact that our present laws are unclear. Some Canadians, particularly young ones, think that possession is allowed as long as there is no intent to sell. As one witness said at the committee:

> . . . like the clerk at my local convenience store told me last year, having marijuana is legal one day a year as long as it is done on 420 on Parliament Hill.

These misunderstandings can have serious consequences. As recently as 2016, nearly 18,000 Canadians were charged for simple possession, and that is, ultimately, what I would like to speak to finally — that is, keeping Canadians, particularly young Canadians, from acquiring a criminal record for simply possessing cannabis for their own consumption.

This bill proposes to limit personal possession for those under 18 to 5 grams of cannabis without running the risk of being criminalized. I must note this will not allow underage youth to possess cannabis. If they are caught with any amount below this limit, they will almost certainly have it seized and face some kind of penalty determined by the province or municipality, similar to how Ontario sanctions those under 19 who are caught purchasing, possessing or drinking alcohol. They will not face criminal punishment, and that is of the utmost importance.

It was at second reading in this chamber that the government was accused of giving its tacit approval for children to possess up to 5 grams of cannabis. This is simply not true. It is my hope that no Canadian, be they an adult or a young person, will be burdened with a criminal record for simply possessing cannabis. I ask you to think back to when you were young, the peer pressure involved in growing up. It is not far-fetched, nowadays, to imagine one friend asking another to hold some of their weed so that their parents won't find it. If they have some of their own already, this could put them over the 5-gram limit. Does he or she deserve a criminal record? Absolutely not. This is why Senator Seidman's amendment, adopted by our committee, was so important: It emphasizes that:

> . . . for greater certainty, nothing in this act is to be construed as limiting the operation of the extrajudicial measures that are provided for in the Youth Criminal Justice Act.

Two examples of these extrajudicial measures are a basic warning from the intervening officer and referral to a community program and even, perhaps, telling the parents with written notice.

It is imperative that this act be applied equally to all Canadians as well. During our study, we were told a number of times that there has been an uneven application of the drug laws in our country. Put simply, racialized groups, Indigenous peoples and low-income Canadians receive much harsher punishment than those Canadians who look more like me.

There are several review mechanisms in this bill, as amended. It is incumbent upon those undertaking these reviews to determine whether the sanctions proposed in the cannabis act, both for youth and adults, are being applied fairly to all segments in our diverse society.

Honourable senators, over the course of the debate, I have heard many different opinions on the potential effects of this legislation. The fact is that much of this is uncharted territory, and there will remain a number of unknowns no matter how well we prepare, no matter how well we do our due diligence.

There is one thing I know for certain. That is that our current approach is broken. It needs to be fixed. As a legislator, to suggest that we stay the current course would be wrong. What we have before us today is a step toward a better approach, an important step away from a system that does more harm than good, and that is why I will be voting for Bill C-45.

The Hon. the Speaker *pro tempore*: Senator Eggleton, will you accept a question?

Hon. David Tkachuk: I think the whole debate would have been different if this had just been about decriminalization. But, of the 16,000 people that you said were charged last year, how many of them were actually convicted?

Senator Eggleton: I don't have that figure, and I suspect it would be much smaller. I will say that. But the minute you charge these people, you put them through a trauma, and this can, in fact, create a lot of difficulties in their lives. Charged with the possibility of a criminal record is a very severe thing for possession for personal use of this substance, which is no worse than alcohol in terms of its effects. Anything taken in moderation is not going to be a problem, alcohol or cannabis. But to charge these people with a criminal offence, I think, is wrong. That's the one thing that will be corrected by this act.

Now, you say decriminalization, but you have to remember the other side of the coin. That is that we still have, even with decriminalization, an illicit market out there. This is a combination, in the legalization of it, of both decriminalizing and getting control and getting regulation on an industry to eventually get rid of that illicit market of $7 billion.

Senator Tkachuk: It would have been a whole different debate if we were discussing decriminalization. I just wanted to make a point as to how many people were actually convicted rather than charged. But how is this bill going to stop the selling of, now, a legal drug, which is a lot different than presently, to people who should not possess it, that is, people under the age of 18 years old?

Senator Eggleton: Going back to my historical analysis, there used to be rum runners and all sorts of people in the illegal business of selling of alcohol, but, eventually, that came under control. There are still elements around, of course. Nothing's ever perfect. But the social order in this country has still been maintained as we moved out of that prohibition, and I believe it will happen in this one. It won't happen overnight, but I think, as we educate people, as we provide them with the kind of warnings and the kind of information that they need to be able to make decisions that affect their safety and their health, which we can't do as long as it's an illegal substance, to the same degree at least, I think we'll see a lot of improvement in the fixing of our system.

Hon. Yonah Martin (Deputy Leader of the Opposition): I have a question for Senator Eggleton.

The Hon. the Speaker *pro tempore*: You have a minute and 15 seconds.

Senator Martin: Oh. It will take longer. It was going to highlight the concerns about the current infrastructure that is used for contraband cigarettes, which is legal and highly regulated and with many warnings given, and what could happen to this illicit product that will become legal but that is illegal in other parts of the world. There are some concerns about that.

Senator Eggleton: The use of tobacco and smoking has fallen substantially in the last few decades. That has been a very successful program. I hope we will do the same kind of thing in terms of smoking in relation to cannabis, and I think we will see that fall as well.

[*Translation*]

Hon. Claude Carignan: Honourable senators, the time has come for us to vote on Bill C-45 as a whole. I want to thank you for your hard work on this matter. We have proven once again that the Senate can work very well, have high-level debates, fulfill its role as a chamber of sober second thought and retain its status as an institution that is essential to protecting our democracy and the rights of minorities.

[*English*]

The legalization of cannabis is an important step for our country. We must address this fundamental change in a mature, serious and responsible manner. Our job is to make sure that the legislation we pass makes Canada a better place.

[*Translation*]

The Senate adopted 44 amendments to Bill C-45, including 29 brought forward by the bill's sponsor, Senator Dean. For a bill that was often described to us as "perfect," that is actually quite remarkable. I hope the government will have the necessary openness to accept all our amendments in the other place. We have definitely improved Bill C-45.

• (1540)

Even with these improvements, however, it is my opinion that Bill C-45 is still a danger to Canadians. Not enough care has been taken to prepare for its coming into force. The government has not been as cautious as it ought to be when instituting social change on this scale. It is legalizing a product for human consumption without the requisite scientific evidence and without really knowing the risks associated with its use.

I would like to go over the government's stated objectives with respect to the cannabis legalization bill.

[*English*]

> . . . to prevent young persons from accessing cannabis, to protect public health and public safety by establishing strict product safety and product quality requirements and to deter criminal activity by imposing serious criminal penalties for those operating outside the legal framework.

Given the testimony of experts and representatives from numerous organizations and associations we heard in the past few weeks, I must conclude that this objective will not be met with the bill before us.

[*Translation*]

Judging from what we saw in committee, I am not alone in thinking that. Senators heard from 244 witnesses from a broad range of sectors and considered the bill from myriad perspectives. That is huge. I would like to review some of the facts the witnesses shared with us and the shortcomings that remain in this bill.

I'll start with international treaties. As you know, Canada is a signatory to three United Nations conventions on drug control. These conventions are contractual agreements, and international law is predicated on the signatories respecting their agreements and the rule of law. That is why it was so disturbing to hear a senior federal official like Mark Gwozdecky, Assistant Deputy Minister for International Security and Political Affairs at Global Affairs Canada, candidly admit to the Foreign Affairs Committee that Canada could fail to uphold those treaties, while downplaying the importance of that non-compliance. Here is what he said:

> We will be in contravention of a subset of the provisions of the conventions.

The Minister of Foreign Affairs also acknowledged that Canada would be in contravention of these treaties. Cannabis legalization will put Canada in violation of its international commitments, which puts us in an impossible situation. How can we ask other states to respect international conventions and treaties if we ourselves are lax in that regard?

To say that cannabis legalization is a domestic response to a domestic problem, as Minister Freeland said before the Standing Committee on Foreign Affairs, is not a valid reason to contravene our international obligations. That is rather the type of response we would expect from a rogue regime when it is called to order by the international community. The government has knowingly failed to meet its international obligations with Bill C-45.

Let's now talk about Indigenous peoples. The testimony heard at the Standing Committee on Aboriginal Peoples on the impact of cannabis legalization was rather telling. Indigenous communities are already dealing with major addiction problems. Legalizing cannabis will only add to their burden. The problems are many: lack of public education, lack of rehabilitation and addictions treatment centres, and lack of police resources.

Steve Burton, from the Tsuut'ina Nation police force said:

> I think one of the issues and the challenges, which you would be very familiar with, are the funding agreements for First Nation communities, particularly for First Nation police services . . . . I think the ambitious timelines, while maybe well-intentioned, unfortunately are not realistic for us to be able to enforce them.

The people of these communities, as representatives or as individuals, came before the committee and gave very touching testimony that expressed all of their concerns. According to Chief April Adams-Phillips, of the Mohawk Council of Akwesasne:

> Dealing with our own people and doing it in a method with our own jurisdictions. Akwesasne is unique. We are dealing with the border, with Quebec and with Ontario. That law needs to be unique to our territory. I wouldn't want to see our community members having to go off territory with regard to anything to do with cannabis.

> We have gotten out of the negativity with things that happened in the 1990s with tobacco. We don't want to be put back in that ring with cannabis.

To add to this lack of resources, the government has missed an opportunity to ensure that Indigenous communities could benefit financially from the legalization of cannabis. All these failures are the result of the lack of consultation of Indigenous peoples.

Yesterday, at the last minute, Senator Harder pulled out the government's letter stating it undertook to hold these consultations after Bill C-45 is passed. This will be an improvised measure in an attempt to solve problems after the fact. Why not consult before legalization? The Constitution requires the government to consult Indigenous peoples before the decision is made, not after. Any consultation process after the fact is a charade that seeks to hide a terrible denial of justice, an attempt to repair the irreparable.

Let's now discuss our relationship with our friend, the United States. Our Foreign Affairs Committee examined whether the legalization of cannabis would impact Canadians' eligibility for the NEXUS program and the FAST card.

[*English*]

Currently, there is no way to ascertain the impact of Bill C-45 on these programs. But serious planning in the bill would have prevented this kind of situation.

During our trip to Washington, we met with senior officials and representatives of the U.S. government who had not been briefed on the impact of Bill C-45 on the free movement of people and goods at the border. Yet, the government keeps attempting to minimize these impacts and refute the evidence.

[*Translation*]

The testimony we heard from Canada's security agencies regarding their preparation for the coming into force of this legislation is not very reassuring. What the Standing Senate Committee on National Security and Defence heard from federal public servants about the progress that is being made consisted mostly of vague comments about future communications plans, informal meetings with American authorities, studies and fuzzy scenarios. There was very little substance, and the agencies had no plan to present.

Here is what Kevin Thompson, Director General of the North American Strategy Bureau at Global Affairs Canada, had to say, and I quote:

> What I can say at this point is that we're working closely . . . with various actors within the U.S. administration to identify some of the risk areas and some of the scenarios that may arise when and if this legislation is implemented. So we have a robust dialogue among a variety of departments and organizations within the U.S. government. This is certainly one of the issues that has been raised, and . . . at this point the administration has not indicated that they are going to fundamentally change their approach to dealing with these issues at the border.

Unfortunately, that quote from Mr. Thompson typifies the meaningless answers that the National Security Committee was dealing with. According to Minister Goodale's testimony, it will be "business as usual" at the American border. However, he did admit that prevention and education efforts are needed. That much is obvious. The government did not undertake serious negotiations with our neighbours to the south in a timely manner in order to prevent regrettable errors.

We're now guessing at how American customs and border protection officers will react. There could be dramatic consequences, such as searches, refusal of entry, or banishment from the United States, not to mention the longer waits at the border. The government has acted as if it were self-evident that the United States would be happy to accept the changes associated with the legalization of cannabis. If we've learned anything in recent months, it's that there is no guarantee that the Americans will accept Canadian positions. Having neglected the dialogue with the Americans, the government could make life difficult for Canadian travellers and shippers.

• (1550)

[*English*]

Among the issues with Bill C-45, there is the legal age of cannabis consumption. There is a lot of confusion in Bill C-45 and the government's attitude regarding consumption by young Canadians.

On the one hand, the main objective of Bill C-45 is to make sure that access to cannabis by young people is restricted. On the other hand, Bill C-45 is designed to make sure that young consumers are not criminalized.

Under Bill C-45 it will be legal under federal law for a person younger than 18 years of age to possess 5 grams or less of cannabis. But if a young person younger than 18 years of age is prohibited from access to legal cannabis, where will they get it? The answer seems clear. They will buy cannabis on the illegal market. So how will the strict requirements on production protect them?

[*Translation*]

Add to this confusion around the legislative objectives the fact that there isn't a shred of scientific evidence to justify making 19 the legal age for consumption. Quite the contrary.

Here is the point the Association des médecins psychiatres du Québec made:

> Scientific research has demonstrated that the human brain continues to develop until the approximate age of 25.
>
> Therefore, it is a recognized fact that teenagers do not have the intellectual capacity of adults, to manage impulses, to organize, to anticipate causes and effects, to make decisions, and to exercise moral judgment.

Dr. Meldon Kahan, Medical Director of the Substance Use Service at Women's College Hospital, part of the University of Toronto's Department of Family Medicine, added the following:

> I really believe, as do many of my peers, that the legal limit should be increased from 18 to 25 years. Twenty-five is an age which is shown to be where the brain is fully matured and there seems to be somewhat fewer harms from cannabis after that age. That increase in age will make it more difficult for youth to use cannabis. . . .
>
> If we make the age 25, this will send a powerful public health message to youth that cannabis use is dangerous and should be avoided.

Bill C-45 will do nothing to reduce cannabis consumption among youth. Nineteen was selected as the legal age not on the basis on scientific evidence, but simply because it is in line with the government's agenda. I am so disappointed that amendments reflecting the scientific consensus were rejected.

With respect to home cultivation, it can be the source of a number of problems that seem to have never been on the government's radar. The bill makes no specific provisions about protecting young people or access to plants in the home. The Barreau du Québec pointed out that the state of Colorado imposed security measures to restrict access to cannabis plants. The very state that was set out as an example to justify legalization took measures to restrict access to plants in the home. The federal government chose instead to download that issue onto other levels of government. The following quotation from the Barreau du Québec is quite clear:

> To ensure safety, especially for young people, we believe that cultivation for personal use should be restricted to areas that are enclosed and protected, similar to what is being done in Colorado and California.

Access to drugs can be limited through secure storage, such as in a locked medicine cabinet, and alcohol can be put away in safe place or a locked cupboard. However, four cannabis plants in the living room can't be hidden and are easily accessible to any young people living in the home.

How does the government plan to enforce the four-plant limit in the home? Police forces have testified that it will be impossible to enforce that regulation. Here is what Chief Mario Harel, President of the Canadian Association of Chiefs of Police, had to say on the subject:

> Regarding in-home production, the CACP continues at this stage to strongly advocate against this measure. We predict that personal cultivation is largely unenforceable and will provide for additional opportunities for the illegal possession, distribution and over production of cannabis. We also fear that in-home production will pose a further risk to youth due to increased exposure and accessibility.

Tom Stamatakis, President of the Canadian Police Association, made some equally troubling remarks, saying:

> Some aspects of this legislation will, quite simply, be almost impossible to effectively enforce, regardless of any additional funding provided by the government. Allowing individuals to cultivate and possess up to four marijuana plants is one specific example. I have difficulty imagining how any police service in the country will have the resources, whether financial or personnel, to monitor this particular provision.

One of the objectives of this bill is to establish product quality standards. How can we monitor the quality of homegrown cannabis? The answer is obvious: we can't. Does the government have any idea how much cannabis four plants can produce in a year, even without knowing how tall those plants could grow?

The THC concentration of the cannabis produced by licensed distributors will be strictly regulated. What will the THC concentration of homegrown cannabis be? There is no THC limit for concentrates derived from homegrown cannabis. Sadly, the amendments aimed at tightening home cultivation rules were rejected. Bill C-45 still has gaping holes in this regard.

The final objective set out in the preamble to Bill C-45 is fighting organized crime. Ironically, the media has already reported that many Canadian cannabis distributors have benefited from investments coming from known tax havens. Millions of dollars are being poured into the industry emerging ahead of legalization, yet we have no clue who is hiding behind the corporate veil. It is no secret that organized crime groups have the resources to reinvest the proceeds of their criminal activities in legal, legitimate businesses.

Deputy Chief Mike Serr, the co-chair of the Drug Advisory Committee at the Canadian Association of Chiefs of Police, made a very concerning and worrisome statement. He said, and I quote:

> We know that there are over 300 organized crime groups involved in cannabis distribution and production. It's a $7 billion a year industry. This is a huge issue. Organized crime will not just walk away from this issue . . . .

Furthermore, CBC/Radio-Canada just revealed some shocking facts about the legalization of recreational cannabis in Colorado, where it has been legal since 2014. I quote:

> Even though there are more than 500 recreational marijuana dispensaries in the state, the black market is booming.

Washington State and Alaska legalized recreational cannabis in 2012 and 2014, respectively. You'll no doubt be just as surprised as I was to learn that neither state can provide official data on the effect of legalization on the black market. Colorado's black market expanded, and Washington and Alaska do not have any information. I sincerely hope that the government is right in predicting that the cannabis market will migrate to the legal market. I have serious doubts about whether the government can provide such an effective service for the same price that criminals charge. We can only hope.

• (1600)

However, we have a duty to ensure that the government implements mechanisms that will prevent organized crime from infiltrating the legal distribution network.

Law enforcement has requested improvements to the production licensing process. Chief Mario Harel from the Canadian Association of Chiefs of Police said, and I quote:

> We also ask the Federal Government to enact strict security clearance requirements that would safeguard against criminal organizations becoming licensed growers as has been observed in the medical marijuana regime.

If eliminating organized crime from the cannabis market is really an objective, a responsible government must implement screening mechanisms for recognized producers and suppliers.

We adopted an amendment to the bill in that regard. I hope that the government will accept it. Failing to implement such a process would only confirm that the government is not really serious about cracking down on organized crime.

Another issue is the impact on public health. The government completely neglected the public health aspect in its approach to Bill C-45. When the Minister of Health appeared before the Social Affairs Committee, she said that the government's approach was evidence-based. She also said that a monitoring system would be put in place to examine the consequences of the legislation. I feel like I am witnessing the creation of the world's largest living laboratory and that Canadians, particularly young Canadians, are going to be the guinea pigs. If the legislation were really based on evidence-based and scientifically supported, then we would have gotten answers to our many questions, but we did not.

We are in uncharted waters with respect to the long-term public health consequences of cannabis legalization. The government therefore had a duty to be prudent, which, clearly, it was not. In fact, Health Canada continues to warn medical marijuana users and has the following warning on its website:

> The use of this product involves risks to health, some of which may not be known or fully understood. Studies supporting the safety and efficacy of cannabis for therapeutic purposes are limited and do not meet the standard required by the Food and Drug Regulations for marketed drugs in Canada.

The government did not provide any serious studies on the public health consequences and health system costs of cannabis legalization. Although this government says its decisions are evidence-based, it was not forthcoming with any evidence before legislating on this matter.

As for indicating THC levels on products, Senator Seidman moved that THC levels be clearly marked on all cannabis products to be sold in stores. Given that this amendment is grounded in common sense and sound public health practices, I cannot understand how it was rejected. The tar and nicotine content is indicated on cigarette packages, the alcohol content is marked on bottles of beer and wine, but this will not be done for cannabis products.

I was rereading the statements of certain members of the Independent Senators Group who initially supported this measure, but then reversed their decision and supported the government by rejecting my colleague's amendment.

On February 1, Senator Gold told us the following:

> Furthermore, Canadians will know what they are consuming. They will know the THC and CBD concentrations of the product they are buying, where it was produced, and who produced it.

On February 27, Senator Harder responded to a question from Senator Pratte by saying:

> Indeed, it is the government's intention to set regulatory requirements that would standardize the amount of THC that could be in a single portion of specific cannabis products, and that the THC amounts be clearly referenced on product labels.

The government's task force made the following recommendation on labelling every product with its THC level:

> We also recommend labelling all products with clear indications of their levels of THC and CBD, as well as appropriate health warnings.

Will the regulations actually contain that requirement? We don't know. The government refuses to publicly disclose its intentions. We are being asked to legalize cannabis on the premise that the government will be able to regulate product marketing and packaging, but it is not honest enough to produce documentation in support of such regulations.

The lack of public awareness campaigns on the effects of cannabis is another one of my concerns. According to the government's plans, cannabis will be sold over the counter starting this summer. Where are the public awareness campaigns that were promised? When will the government follow through on that?

[*English*]

Finally, one of the issues with Bill C-45 is the rush in which the government seems to be. All of the committees that heard testimony on Bill C-45 heard that stakeholders feel rushed and are asking for a delay in the implementation.

Let me quote Mr. Yvon Soucy from the Fédération québécoise des municipalités:

> However, many aspects of Bill C-45 need to be clarified. That is why the FQM, like Quebec, would like to see the implementation of the act delayed by a few months. The legalization of cannabis is a complex matter, and several questions do not seem to have been answered . . . .

There is no doubt that Bill C-46 is closely linked to Bill C-45. Clearly, our police forces must be ready to deal with possible drug-impaired driving offences.

Testimony before the Legal Affairs Committee leads me to believe that we are not in a good position. At a minimum, drug detecting devices using saliva are not yet approved and available, and we need hundreds of drug recognition experts.

Chief Mario Harel, President, Canadian Association of Chiefs of Police, told us:

> We clearly require many more officers trained in standardized field sobriety testing and as drug recognition experts. Quite frankly, the capacity is currently not there to deliver the amount of training required in the short term.

[*Translation*]

There is still a lot to do. Several witnesses told us that they were stressed about getting ready to deal with this bill. They get the distinct impression that this whole thing is ill-conceived and improvised and that there isn't nearly enough time.

[*English*]

I would like to remind you that most of the American states your government is fond of holding as examples planned a minimum delay between the adoption of legislation and the coming into force of public sales. To mention only one, the State of Colorado passed a constitutional amendment legalizing cannabis in November 2012, while sales became legal on January 1, 2014.

[*Translation*]

If we don't take the time to do things right, we'll end up dealing with the unfortunate consequences.

The government did not do the necessary consultations with Indigenous peoples, and Canada is about to violate its international obligations, particularly towards the United States. We do not know what impact this will have on the fight against organized crime and on public health. The government is normalizing the use of cannabis, especially among young people. Some provisions in the bill even go against the stated objectives, like the provision for home growing and the lack of rules on THC levels. Our police forces do not have the tools they need to deal with cannabis-related criminal offences. That is what we heard. Those are the facts.

• (1610)

Canadians expect their government to adopt carefully thought-out, well-prepared and well-structured measures. Obviously, Bill C-45 does not meet those criteria in several ways. This bill is all about improvisation and guesswork and it is astoundingly inconsistent.

The government brags about wanting to legislate based on evidence and not on preconceived notions, but when it comes to the legalization of cannabis, we've seen exactly the opposite. Despite all opposition, despite all the evidence showing that the government is being too hasty about legalizing marijuana and that the bill is poorly drafted, the government is insisting on moving forward with it. Whether it is for political or ideological reasons, we do not know.

On February 13, Senator Harder said, and I quote:

> In response to high rates of youth consumption in Canada, Bill C-45 proposes a remedy — a new approach of strict cannabis control and public education — to address the health and safety problems that exist in Canada right now, and to take the market out of the hands of organized crime.

Based on the testimony we've heard, Bill C-45 does not live up to the government leader's claims. I am still wondering, honourable senators, and this question has yet to be answered, why the government did not find out more about what is being done in Norway, the country with the lowest rate of cannabis use in the world. Why did my country not follow the example of the best in the world, rather than the worst?

I therefore urge you, honourable senators, to vote down Bill C-45 and send the government back to the drawing board. It could then consult properly and open a dialogue with the United States on this matter. It could do the necessary impact studies and educate Canadians, particularly young Canadians, about the dangers of cannabis. It could ensure that all stakeholders are ready, and draft a bill and regulations that are clear and effective and that meet objectives to protect public health, decrease use among youth and eliminate the black market, which is controlled by organized crime.

Thank you and have a good day.

[*English*]

Hon. Frances Lankin: Honourable senators, I am pleased to have the opportunity to rise to speak on this bill. This is an important moment in Canada's time; whether you are for the bill or against the bill, it is a major shift in public policy.

We have had the opportunity together to spend a lot of time looking at this, and a lot of good work has been done. We have a much deeper understanding of the bill through the deliberations we have had at committee in listening to witnesses, and through the conversations we have had with each other in this chamber, to try to understand and to arrive at the best possible end place together.

I think we all understand the polarity of views around the legalization of cannabis. I find, through my conversations in my home community, that they are without purely ideological roots; from left to right, there are people who are in favour and people who are opposed.

I think that where we have a common view is in wanting the legislation to be the best that it can be. That leads some to say we should delay and take more time. It leads others to say that we have to have the right kinds of effective reviews in place to ensure that we learn as we go forward and as more evidence becomes available to us through the research dollars that have been committed in the particular projects that have been outlined and specified for study.

When I came to this bill, I came to it with a generally positive view about legalization of marijuana. This comes from a public health background, from the work I did in the community for many years and then my time serving as Minister of Health. I believe that the prohibition approach to cannabis — to the war on drugs in general, but to cannabis in particular — has been a terribly failed public policy instrument. It hasn't worked, and it has left us without the kind of adequate research to underpin good, solid, knowledgeable, fact-based and evidence-based opinions in this place as we examine the bill. I have heard people stand up and say that all the evidence shows that there are dramatic health impacts on 18-year-olds, let's say. Others have stood and said, as I have, that in fact the latest evidence and the metadata analysis that has been done of all the studies show that the links are not clear and that they are tenuous, at best.

There is evidence to back the opinion you want to put forward. It is important for us all to remember that no one person has the right knowledge or evidence, because it does not yet exist. There are differences of opinion, as there are on so many things when it comes to public policy.

In my second reading speech, I talked about the history of prohibition, and the history of prohibition of cannabis in particular. I didn't know a lot about it. Through that research, I was fascinated to learn about the history, where it comes from in Canada, the debates in the States around legalization, the different commissions, the steps that have been taken in different jurisdictions in North America, and of course our own journey in Canada. I will not repeat that, but it was instructive to me because it showed how long we have been at this and how long we have been debating prohibition versus public health, and which way is the right way to go.

This government has determined that it wants to take a public health approach to the issue of consumption of cannabis, as well as a public education and parent empowerment approach.

On top of that, there is the regulation of the product itself — and Senator Carignan made reference to this — the fact that, while not in the legislation but in the regulations, it will be compulsory for levels of different kinds of cannabinoids to be listed on the packaging. We will have consumer information, we will have better information than exists now, and there will be better public education.

For me, all of that sounds balanced. There are pros and cons, people polarized in terms of for and against, and research for and against. Where do we come down? I believe this is the right public policy approach, and I believe that no matter how much more time we took, there will be real problems with implementation of this massive public policy change in our society. I think we must be vigilant to that. I think we have to be prepared and understand and know — not from an accusatory place but from a pragmatic understanding, as practitioners of public policy — that you actually have to start to implement and learn as you go from aspects of public policy and public administration. That does not mean that it is a crapshoot, that we will let people's health suffer as a result. It does mean, however, that there will be, as I said, bumps along the road, and we should learn from them.

In the community sector, a lot of writing has been done about developmental evaluation as you are dealing with people in complex biospheres where it is not just, in this case, marijuana that might have an impact on this person's life. It is about why are they consuming the marijuana? What are the other aspects of their life? What are the genetic predispositions to addiction? A range of factors will create different outcomes for different people.

We must have programmatic responses — both from a public health, public education and prevention point of view — that learn as we go forward, and that developmental evaluation should be built into all our approaches.

I think the Senate committees have done that. And the Senate again today, in the amendment this morning, has done that in terms of ensuring there are the right kinds of reviews.

In the legislation, there is a three-year review where ministers must file reports of implementation. There is a five-year review where both chambers of Parliament must do a review and file their reports.

• (1620)

In the observations, and this is primarily what I wanted to stress, we asked the government to bring together and establish an expert panel to work side by side with them while the implementation is taking place over the next few years, and to monitor and report on that implementation as to what is going right or wrong.

When I began my research on this bill, I was most concerned about mental health impacts. As I reviewed the studies, I have become less concerned about the immediate connection to cannabis, but I remain very concerned about our lack of adequate and sufficient supports and resources for people suffering from mental ill health in our country. There is much that we have yet to do.

I saw this bill and the discussion as a potential opportunity to push that agenda forward.

When I spoke with experts in the field, what I heard is that we don't need another federal-provincial strategy on this. We don't need just the commitment and more dollars. We need the dollars that have been committed to be monitored and the agreements to be lived up to as to how that is going to be invested in our communities in terms of mental ill health programming and supports.

As I talked to those experts and had that in my mind and then spoke with some other people, I heard from them the requirement to monitor as we go forward.

This is an observation that we have, in passing the report, appended to the bill that we will eventually send back to the House of Commons a recommendation for this monitoring group to be established. The work of that monitoring group, with an expert focus —and I'm not demeaning the public sensitivity focus that we bring in our political debates—will provide us with information for the minister's and Parliament's review as we go forward.

So, Your Honour, I am honoured to be with this group of people and to have participated in this. I think it is one of those historic moments, and it is quite incredible to be here sharing in this. I hope that as we go forward, we will all acknowledge, even on both sides, even if you are in favour of this legislation, that there will in fact be problems and that we will need to monitor as we go forward. We will need to course correct. That is the wise, pragmatic and correct way for governments to go about the implementation of major public policy changes. Thank you very much.

The Hon. the Speaker *pro tempore*: Senator Lankin, would you accept a question?

Senator Lankin: Yes.

Hon. A. Raynell Andreychuk: Senator Lankin, I thank you for your focus on public policy. I think it's important. You say that we need some expert groups to monitor the progress. I fully agree with that. But good public policy would have in place some programmatic implementation before it's in place, and then you look at it to see whether it needs to be varied or changed. You work along and you change, but you need to know what the starting point is.

Don't you think that with proper public policy you would know what we're going to do now so that we can monitor it? But we're being told that it will be in regulations and that an education program will be rolled out, so we have no baseline to work from.

Normally, you would have that baseline to start with because implementation is as important as the law itself. Would you agree that we're going off what normally would be public policy that you and I have worked on in those areas?

Senator Lankin: I agree with some of what you said, but not all of what you said. With respect to having a base to work from, I would love to see more, for example, research data and evidence base for us to have a baseline that the research can monitor against. But, by the way, it was illegal and they couldn't get the substance and get approvals to do as much research as they would have liked, so we don't have that base. We could take another 10 years or so to do that kind of research base.

On the area of program implementation you talked about, I certainly am aware of governments having done a really good job in the development of a program, usually with a little narrower scope than what we're dealing with here. I have seen governments of all stripes do really bad jobs of it as well.

So we're in a unique place in the Senate, being able to have the second look at things, as you would say. It appears to me this government went through a process of political decision making to determine that this would be part of their campaign. As opposed to the approach of issuing a government white paper or green paper, they appointed a task force which did consultations and brought forward a report with clear recommendations. That was then circulated. We had that in advance of the legislation. We had time to understand where, at least, those who were recommending to them were suggesting they head. And we have had a suggestion that there would be some openness to the regulations.

I don't know, honestly, with this kind of legislation, whether they would have gotten it better if they had taken another two or three months. I don't know that. They might have gotten it better, and that might be prudent. I know that I thought it rang very hollow when last year they introduced the legislation, and some of my colleagues were already talking about it being rushed through to get it done by this summer.

I have more material than I think I have ever had on any kind of bill to have been able to go through, absorb and understand. I thank Senator Dean for that and some other senators who circulated materials. I think that was helpful.

In an ideal world, could we do it better? Yes. In the real world, have we done something where there has been a lot of time and effort, a lot of views? I don't know if you heard many new things through the process. I know in some of the scientific evidence I heard new things. Most of the other stuff I have heard for years.

We have to take a decision at some point in time. I'm comfortable with my decision to support this legislation. I'm hopeful that a number of amendments will be accepted, and at the end of the day, maybe over time we can convince governments that there is a better process. I kind of like the old green paper/white paper process where people could dig in on things substantially for a year or two before it came through to legislation. But many governments have abandoned that approach. It seems to be passé. I think that's sad.

Hon. Mobina S.B. Jaffer: Honourable senators, I also rise to speak on Bill C-45, An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts.

I would like to thank every senator who contributed to this expansive debate on Bill C-45 to best create a safe, fair and well-regulated cannabis market in Canada. Specifically, I want to thank Senator Dean for his hard work, and Senator Eggleton and his Social Affairs Committee for the hard work they have done on this bill. They helped us narrow the issues. I want to thank them.

I will not repeat many of the issues that have been raised since they have each been discussed here at great length. I would like to add my voice to the discussion of how Bill C-45 will affect Canada's border with the United States.

With that said, instead talking about it in terms of trade and our diplomatic relations, I would like to take a different approach. I would like to address the fact that Canada seriously needs a massive education campaign on what is and is not legal as Canadians cross our border with the U.S.

It is no understatement to say that many Canadians do not know about what will be legal in the U.S. after Bill C-45 is passed. In fact, I get questions about this subject from British Columbians practically every day.

Some wonder if they can consume cannabis in states where it is legal, like in Washington State. Others wonder if they can bring cannabis over the border to enjoy it with their friends in the states where it's legal to have cannabis.

Every time I hear these questions, I get more concerned. Many Canadians just do not know about our most basic laws involving possessing and consuming cannabis in the U.S.

This is unacceptable. Above all else, we must communicate the following clearly: Cannabis may be legal here in Canada when this bill is passed. It may be legal in some U.S. states like Washington State. However, as long as it remains illegal at the federal level in the United States, consuming and possessing marijuana across the border would have serious consequences.

In most cases, violating these laws will immediately have you barred from the United States for life. If you want to return to the United States after you have been barred, it's a very long process. You have to apply for a waiver, which is very expensive and time consuming.

Honourable senators, I know you will agree with me that we must not let this happen to Canadians. For many British Columbians, being barred from the U.S. would be devastating. Crossing over the border is almost a way of life for many British Columbians.

Just to give you an idea of how many British Columbians cross the border, the Peace Arch border crossing in Surrey, B.C., is the third busiest in all of Canada, with over 4,800 cars crossing it every day to travel between Seattle and Vancouver.

• (1630)

These people rely on being able to cross into the U.S. for almost everything. It is their means of visiting friends and family, or finding places to go shopping and eat. For British Columbians, it is even essential for their careers. We proudly represent Canada across the United States' manufacturing, health care, education and science sectors, and at universities. If some British Columbians are banned from the United States, they will have to completely change their lifestyles.

Our government must be proactive to ensure that Canadians know the law on cross-border crossings. Despite the serious need for an education campaign, our government is not taking the proper steps to ensure that Canadians are properly informed. At the Defence Committee, when I asked the officials from the Canada Border Services Agency about what our government intends to do to educate Canadians about what they will face at the border, they only told me about a signage campaign for airports, which will be implemented by the spring of 2019. Honourable senators, I say to you that is too late. Worse yet, we heard almost nothing as far as campaigns outside of airports are concerned. In other words, thousands of British Columbians who cross our land border every day will get absolutely no information.

This is simply not good enough. If Canadians have questions about these laws, then it is the government's duty to ensure that they have answers. Unfortunately, all that Canadians have now are contradictory answers. For example, according to the government, if you are honest about your past cannabis use with border officials, after Bill C-45 is passed, the worst anyone will deal with is being turned away from the border. It's not just that you are turned away from the border; you are barred for life from entering the U.S.

However, according to witnesses who appeared before the Standing Senate Committee on National Security and Defence, there is a high chance that Canadians will be barred for life from the U.S. if they answer honestly.

This lack of clarity worries me a lot. I'm worried that Canadians can easily find themselves barred from the U.S. because we are failing to educate them about a set of drug laws that are complex. To put the complexity of these laws into perspective, I will list a few things that could have Canadians barred from entered the U.S. for life. If you admit to having consumed cannabis in the past, you could be barred from the United States for life. If you decide to work with a legal Canadian cannabis business, you could be barred from the U.S. and detained for association with drug trafficking. If you publicly state on television or social media that you have used cannabis, you could be barred for life. If you go through pre-clearance, you can be compelled to answer about previous cannabis usage and be banned for life based on your answer. In fact, you can even be barred from just being related to someone who committed a drug offence, since you will be considered a beneficiary of drug trafficking.

None of this is immediately obvious for Canadians right now. The Defence Committee only learned about this after hearing from experts with a wealth of knowledge on this issue.

With this in mind, I would like for you all to imagine how difficult it would be for most Canadians. In all likelihood, they will never know about any of these laws, and that is simply unacceptable. If Canadians are going to be subjected to such risks, then they must be educated about it before crossing our southern border.

I would like to share one particularly worrisome incident to show how serious this could be for Canadians. In 1998, Ross Rebagliati made Canada proud when he won an Olympic gold medal for snowboarding. However, after returning home, he learned that he was barred for life from entering the United States. When asked why he had been banned, Ross learned it was because he had admitted on the "Jay Leno Show" to having smoked cannabis. To this day, Ross has to apply for a waiver regularly. At the moment, he has a waiver to enter the United States for a period of three years, but on a regular basis, he has to apply for permission to enter the United States. Just talking about it once had him barred from entering the country for the rest of his life. This is what Canadians risk when they cross the border after Bill C-45 is passed into law.

Thankfully, this problem can be addressed without amending Bill C-45, so I will not be tabling an amendment. Instead, I'm urging the government to undertake a sweeping education campaign to ensure all Canadians are informed about what they will face when they cross the border. We need this campaign now. Every day we fail to educate Canadians is a day they could potentially experience trouble with American law enforcement and be barred for life from crossing the border.

Canadians need to know that cannabis is illegal at the federal level in the United States, regardless of its legality here or in individual states. They need to know about the various complex laws that could have them barred from the U.S. for life. They also need to know their rights. They need to know they have options, like being able to walk away at a point of entry instead of answering questions. They may have been prevented from entering the U.S. for that one time, but it is far better than being banned for life.

Honourable senators, while I support the provisions of Bill C-45, I urge you to join me in calling for the government to take a far more proactive stance now to ensure Canadians are informed about what they may face as they pass over our southern border.

Cases like Ross's are not isolated. When this came to the committee, we heard from several lawyers whose clients also experienced similar circumstances. Unless the government takes action now, more Canadians will be banned from the United States and be forced to change their lifestyles. It is not just a matter of changing lifestyles; it is a matter of not being able to see your relatives. As we all know, we have relations across Canada and the U.S.

I therefore urge our government to carry out an extensive educational campaign to inform Canadians that even if cannabis may be legal, for example, in British Columbia and Washington State, it is not legal at the U.S. federal level. We must inform Canadians now. Thank you.

Hon. Judith Seidman: Honourable senators, I rise to speak to Bill C-45 at third reading.

At the outset of our study, I expressed my concern that the government had failed to answer some fundamental questions about its rationale for legalizing marijuana. Despite some positive improvements advanced by Conservative senators, it is abundantly clear that Bill C-45 does not align with the government's claim that it is taking a public health approach for the simple reason that cannabis legalization threatens the health and safety of Canadians.

After hearing the evidence presented, it is difficult to understand why the government is doing this at all, and in such a drastic and irreversible way. Legalization should be a last resort if incremental approaches to address cannabis-related harms fail. Instead, the government has chosen to conduct a grand experiment on the Canadian public, an experiment that cannot be undone.

I do not doubt that our existing cannabis laws unfairly penalize users, particularly among marginalized populations. I also have no doubt that large numbers of young people are already using marijuana today, to their detriment. But it does not logically follow that the solution to these problems is to create a multi-billion dollar predatory cannabis industry overnight, with the provinces taking on the role of drug dealers and the federal government taking its cut.

The government claims its policy choices are evidence-based, yet they appear to be decidedly disinterested in an incremental approach that would allow for information to be gathered. Canada is only the second country in the world, after Uruguay, to legalize marijuana. We are sorely lacking in baseline data, despite a last ditch effort by Statistics Canada, to help us fully understand the health and safety impacts of proceeding to full-scale legalization in one fell swoop.

There was nothing to stop the government from bringing forward a comprehensive public education program when they were first elected in 2015 in order to prepare Canadians for legalization, but they didn't. Likewise, there was nothing standing in their way from decriminalizing small amounts of marijuana or pardoning those with past convictions, but they declined.

The gradual introduction of cannabis liberalization policies would have allowed the government to act immediately to address some of the negative aspects of our existing laws while gathering key data and educating the public.

• (1640)

The government's failure to take an incremental approach can be explained in part by the fact that the government is not actually serious about reducing cannabis use, especially among adults. This became abundantly clear when I pressed Parliamentary Secretary Bill Blair on why the government had failed to set any targets to reduce the number of Canadians who use marijuana. He could not provide an answer. However, a few weeks later, Health Canada belatedly announced that it would set targets to reduce the rate of cannabis use, but only among Canadians aged 15 to 24.

Setting targets to reduce cannabis use among young people is a positive development to be sure, but it lays bare the truth that the government expects the number of Canadian adult cannabis consumers to increase and that it's perfectly comfortable with more people using the drug.

It's inevitable given the evidence that marijuana legalization contributes to the normalization of its use and sends the message that it's safe. Moreover, the frequency of use among existing cannabis users will increase, which is the greatest predictor of harm. A new report from Deloitte estimates that after legalization, cannabis users will buy marijuana more often than they do today and will spend as much as 68 per cent more on their purchases. This projection aligns with empirical evidence from other jurisdictions that cannabis liberalization policies, including legalization, lead to increased frequency and intensity of use among existing users.

Health Canada officials, experts from the Centre for Addiction and Mental Health and the Canadian Centre on Substance Use and Addiction, just to name a few, acknowledge that frequent cannabis users are most vulnerable to its harms. There are serious doubts that legalization is the path to harm reduction. Yet, by enabling a multi-billion dollar, profit-driven industry, already a powerful lobby in its own right, the government has tied the hands of future lawmakers if and when its experiment fails.

The Leader of the Opposition in the Senate spoke yesterday in this chamber about how critical aspects of legalization, those with the greatest impact on the health and safety of Canadians, have been relegated to the regulatory process. Many questions related to packaging, promotion and product potency will be decided in regulations, leaving senators with little assurance that the appropriate safeguards will be put in place.

I'm heartened that the Social Affairs Committee accepted my amendment to require that future regulations for new classes of cannabis, such as edibles and vaping products, be brought before Parliament for review, but it does not change the fact that regulatory decisions with the greatest impact on public health have been far from transparent.

The rapid commercialization of the industry should also give us pause when considering the bill's discretionary powers with respect to advertising. We know cannabis companies will make every effort to circumvent restrictions on product promotion, which is why five public health organizations in Canada, including the chief medical officers of health, the Canadian Public Health Association, the Canadian Medical Association, the Canadian Paediatric Society and the Centre for Addiction and Mental Health all recommend a complete ban on advertising. This is yet another example of a government, which claims it is taking a public health approach, ignoring the advice of every leading public health organization in the country.

Last week a majority of senators in this chamber voted to close a loophole that gives cannabis companies a back door to advertise marijuana. Among the bill's partial restrictions, it contained an exception that would have allowed cannabis manufacturers to produce T-shirts, hats, iPhone cases and other products displaying their brand logos. This practice is known as brand stretching or backdoor branding and is clearly at odds with the government's stated goal of protecting public health.

Without a ban, clothing and other promotional items emblazoned with cannabis company logos will be seen by young people and will send the message that marijuana is safe. They are a form of advertising, plain and simple, which Bill C-45 purports to ban.

With restrictions on other forms of marketing, companies will inevitably spend their advertising dollars on these products. We know this because it is happened with tobacco and it is already happening with cannabis.

Since this chamber passed the amendment, it is no surprise that the cannabis industry has voiced their opposition, but they are crying wolf. Companies can differentiate their products through branded packaging, branded cannabis accessories and in-store informational product displays.

Highly regulated distribution through select retailers gives these companies a captive market, and they don't need any help from backdoor branding to sell more marijuana.

We would do very well to remember our decades long fight with big tobacco to get Joe Camel and other cigarette logos out of sight. Over 70 countries have outlawed brand stretching for tobacco in accordance with the WHO Framework Convention on Tobacco Control. The practice is effectively banned in Canada by a patchwork of provincial restrictions, but these victories for public health were hard won.

We have a golden opportunity to learn from past mistakes. Legalization offers a blank canvas, and lobbying from the cannabis industry is only getting stronger. Producers have not been shy about plans to creatively exploit the advertising restrictions in the bill. A ban on backdoor branding responds to this threat with best public health practices.

When Bill C-45 is returned to the other place, the government should accept the Senate's amendments. When a majority of senators identify a loophole that contradicts the purpose of legislation, we are serving our purpose as a chamber of sober second thought. If the government's motivation for legalizing marijuana is truly about public health as opposed to profit, they will accept the amendment to close the backdoor branding loophole along with the many other important improvements to the bill brought forward by senators from all parties and groups.

Despite assurances of review, I remain deeply concerned that legalization will set us down a path from which it will be impossible to return. Jonathan Caulkins, an internationally renowned drug policy researcher, had this to say about the future of cannabis legalization:

> . . . there's a good chance that people in 25 to 40 years will look back and shake their heads and ask, what were you thinking? Why did you think it was a good idea to create an industry of titans to market this drug?

As we prepare to vote at third reading and send the bill back to the other place, we must ask ourselves if we have done all that we can do to safeguard Canadians from an untested policy and a profit-hungry market.

Some Hon. Senators: Hear, hear!

BUDGET IMPLEMENTATION BILL, 2018, NO. 1

FIRST READING

The Hon. the Speaker ***pro tempore*** informed the Senate that a message had been received from the House of Commons with Bill C-74, An Act to implement certain provisions of the budget tabled in Parliament on February 27, 2018 and other measures.

(Bill read first time.)

The Hon. the Speaker ***pro tempore*****:** Honourable senators, when shall this bill be read the second time?

(On motion of Senator Harder, bill placed on the Orders of the Day for second reading two days hence.)

CANNABIS BILL

BILL TO AMEND—THIRD READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Dean, seconded by the Honourable Senator Dupuis, for the third reading of Bill C-45, An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts, as amended.

Hon. Mary Jane McCallum: Do I have the hammer?

Honourable senators, First Nations, Inuit and Metis continue to live under abusive and unsafe conditions that have become commonplace and constant. Situations that were at one time rare, such as muggings and gang activities, are now ordinary in our communities.

• (1650)

As the majority of us have lived our entire lives under occupation by federal laws and policies — in our own country, no less — there is the stark realization that instabilities and insecurity have been routine for the last 150 years.

The ongoing violence, born of poverty and policy that make Indigenous peoples unable to meet basic needs, including health care, is termed structural violence and is indeed a source of trauma.

Often these structurally induced traumas go unnoticed until sudden events graphically expose what has existed all along. Bill C-45 has graphically exposed to me the dominance and power of criminalization that has oftentimes commandeered Indigenous lives.

Historically, colleagues, our communities were places of safety where people felt protected and supported. As people who lived with, and on, the land, we were pushed to our limits — limits that challenged and brought out the best in us.

My parents and their peers accomplished great things and they were good providers who were well equipped with intelligence, sound work ethics and who also did well to pass on traditional life skills. The law reached them in the Far North with the arrival of the policy of residential schools.

In the politically structured poor reserves, which are tightly and legally bound to our beloved Canada, a rich and democratic country, laws continue to be generated that are quite literally fatal. The policies and systems imposed on these reserves are the foundation and guiding light that lead Indigenous peoples through their comparably short lives, frequently concluding in premature deaths.

Laws continue to isolate us and it is in this isolation that we are most vulnerable. Laws have the ability to silence people, especially those who have had their voices taken away within a largely patriarchal society. These same laws also silence those who have no privilege or influence over the very legislation that shaped their lives. Laws continue to determine our lives and frequently result in the criminalization of Indigenous peoples, whether men, women or youth, at a prohibitive rate.

Honourable senators, making laws that criminalize social problems, such as the possession of cannabis, is not sustainable. It is no longer palatable to accept whatever we are told about limited resources at face value. The limited resources to which I refer, colleagues, are those required to address the effects of colonization, which create high-burden areas in our communities.

What, then, is not sustainable? I would argue, conversely, that it is the opposition to spending and committing resources in high-burden areas that is not sustainable. The wealth of Canada has not dried up; it simply remains unavailable to those who need it most.

As Indigenous peoples, we have experienced the slashing of funding under previous administrations, from which we are still recuperating. When I was working in the field over the last 15 years, many of the Indigenous organizations were slashed by 50 per cent and no one came forward and asked about our resources at that time.

As parliamentarians our challenge is not only to draw attention to the effects of the ever-widening gap in criminalization that exists between Indigenous and non-Indigenous peoples, but to dissect it and to work with all our capacity to reduce this gap.

I ask: Are unequal standards in criminalization to be accepted as a fact of life for certain segments of the population in Canada?

Honourable senators, through the course of our lives, Indigenous peoples have tried to make sense of the trauma that we have been forced to go through. The senior citizen in me today insists that social problems should not be criminalized, but rather that the social problems are treatable through the use and deployment of appropriate resources. Yet prisons and juvenile detention centres remain Canada's leading answer for Indigenous peoples and the issues they face.

Amartya Sen has observed that the first question in any critical examination of equality is, *Equality of What?* In the examination of inequalities and the representation of our incarcerated population, why are Indigenous peoples more likely to end up in prisons and juvenile detention centres while others are more likely to be spared this fate? What creates and maintains such disparities, which are largely socially determined?

Colleagues, the act of smoking marijuana should not depend on the fear that one could be incarcerated but, rather, on the freedom of decision-making. Poverty, intergenerational trauma and shame are already great limiting factors of freedom for many Indigenous people. We already know that many youths who are incarcerated for smoking marijuana do so in spite of having enough information on the subject. Rather, they need guidance and development of their critical thinking skills so they can make these safe and informed decisions for themselves.

Where social and political conditions determine the risk of criminalization, the knowledge, compassion and wisdom of us, as parliamentarians, can fundamentally alter and potentially mitigate this risk.

Honourable senators, sober second thought does not end with the passing of legislation. We have the responsibility to convey information and advice on what is best for the lives of all Canadians. Sober second thought is not punitive. It is transformative. Sober second thought understands that conflict is normal in human relationships and that conflict, when harnessed appropriately, can be an effective motor of change. Sober second thought should advocate nonviolence as a way of conduct in both life and work.

The elders in my community practice sober second thought: I remember asking them questions as a young adult, and they didn't answer me immediately. They talked about it the next night and the next night. It was not an immediate answer, and that is how I learned about sober second thought.

Throughout my dialogues in this chamber of sober second thought, I have leaned heavily on the use of intellect and reflection to steer my thoughts and the musings I have expressed to you. At no time was I co-opted by anyone else's agenda. I hold Indigenous peoples close to me. I would not sell out their interests, as I and my fellow Indigenous senators have been inappropriately accused of doing.

Colleagues, terrible things happened to me and those I loved while in residential school, and that affected how I parented and how I react to society in general. Due to my ingrained inability and fear of thinking for myself, I walked out the doors of residential school totally unprepared for society and everything it encompassed. I was vulnerable. Frankly, I am lucky to be alive today and lucky that I have never been incarcerated.

This vulnerability exists because people are unable to make decisions for themselves. They have not been given the skills and opportunity, and that's what our children lack.

I stand here today and admit that I once turned to alcohol for a period of my life. This is not a simple or easy subject to broach, but in the end I have understood, through my elders' teachings and role modelling, that I did not want to hold on to the anger of my past, and what I really needed was help. This was my journey of self-discovery to travel, harmless to the outside world, so that I could learn from the many challenges that I faced.

• (1700)

It is a journey that many Indigenous people need to take to deal with personal and intergenerational trauma, and it should not be pre-empted by fear of criminalization.

What do I want for Indigenous youth? To carry a sense of authenticity and belonging with them rather than looking for it in external places. I want for them to have the courage to be imperfect, vulnerable and creative; to not fear feeling ashamed or unlovable if they are different or struggling; and to move through our rapidly changing world with courage and a resilient spirit. That is the world we need to create for our youth, Indigenous and non-Indigenous alike.

Colleagues, I come back to the question which I posed at the outset of my speech: Do I have the hammer? Yes, I do. I always have. I will continue to wield it in a way that I believe will best serve all Canadians, including the under-represented and seldom-heard Indigenous peoples.

Hon. Sandra M. Lovelace Nicholas: Honourable senators, I would like to speak to Bill C-45. Although I am supporting the bill, I am skeptical of the government's word as outlined in their letter of intent concerning Indigenous consultation.

I do not agree to a one-year delay as it concerns Indigenous people because First Nations would have been left out on another opportunity for self-sufficiency. Historically, Canada has not done proper consultation with First Nations. It is my fear that First Nations may be held back from getting licensed to sell cannabis.

On the point of ticketing, the RCMP holds random checks at the entrances of First Nations communities. Will this change if and when First Nations get the same rights to sell cannabis?

Under treaty, First Nations in their own territories or dwellings are free to fish, hunt, trade, grow and farm medicine to sustain their livelihood. The government tends to ignore these facts.

First Nations have three entities that have held them back from succeeding and enjoying the same rights to the resources of this land: the federal government, provinces and Indigenous Affairs.

If I may, I would like to quote from a few famous people on cannabis.

First, I quote John Adams:

> We shall, by and by, want a world of hemp more for our own consumption.

Second, a quote from Thomas Jefferson:

> Hemp is of first necessity to the wealth & protection of the country.

Lastly, a quote from General George Washington:

> Make the most you can of the Indian Hemp seed and sow it everywhere.

Honourable senators, I want to thank all the members of the Indigenous Affairs Committee for their work over many months on this very important bill. I believe we accomplished what we wanted in unity. *Woliwon.*

Hon. Lillian Eva Dyck: Honourable senators, I would like to make a few comments to reinforce my speeches at the report stages of the bill a week ago and my speech last night specifically on Indigenous issues with respect to Bill C-45 concerning cannabis.

Honourable senators, we are engaged in a historic debate on Bill C-45, the cannabis act. Our committees have done a thorough study, and our debate here in the chamber has been extensive and thorough, with many more amendments being proposed, debated and accepted or not.

Like many other senators, my major concerns have been with the effects of cannabis on youth. With Indigenous youth, there is potential for increased mental health harms from cannabis use.

At the Aboriginal Peoples Committee hearings on Bill C-45, two witnesses told us that there is an increased risk for psychosis and schizophrenia in traumatized individuals.

Colleagues, we all know that there are remote and northern Indigenous communities that suffer intergenerational trauma resulting from abuse suffered in Indian residential schools. Because of this and for other reasons, the Aboriginal Peoples Committee initially recommended a delay of up to a year in order for the government to commit to addressing the current critical mental health needs of Indigenous communities and to commit to ensuring that funds and treatment facilities be made available for the additional mental health needs that will likely arise from Bill C-45.

As indicated yesterday, Ministers Philpott and Petitpas Taylor have committed to addressing the concerns raised by the Aboriginal Peoples Committee, and all of the Indigenous senators have agreed that the letter covers what we were concerned about.

I was particularly assured by the ministers' commitment to work closely with Indigenous communities and to ensure that additional resources are designated for mental health and addictions in Indigenous communities. More importantly, all of the Indigenous senators agreed that the commitments made by the ministers obviated the need to amend the bill in order to delay its enactment, as the objectives have been met by the commitments from the ministers.

Honourable senators, debate in the chamber on Bill C-45 has been thorough and, for the most part, respectful of the varying perspectives. Last night, however, I was taken aback by the comments of Senator Stewart Olsen. The impact of her comments was immediate. I felt attacked personally because of the tone of her words. They were undeniably condescending and personal in nature.

Senator Plett: They were not.

Senator Dyck: Rather than neutral, thoughtful comments addressed to the substance of my speech —

Senator Plett: — respectable debate.

Senator Dyck: You will get your turn, Senator Plett.

Senator Plett: Why don't we have respectful debate today?

Senator Dyck: Order.

The Hon. the Speaker: Honourable senators, Senator Dyck has the floor. If anyone else wishes to enter the debate, I'll put their name on the list.

Senator Dyck: Thank you, Your Honour.

I believe that her comments were unparliamentary, personal, sharp and taxing. Her comments were objectionable. I will not at this time raise a point of privilege, though I think that it would be successful, but I want my concerns to be noted.

Senator Stewart Olsen said that she was troubled by ". . . the seeming capitulation to the government . . .", and that she was troubled because she thought that we, as the Aboriginal Peoples Committee —

Hon. Yonah Martin (Deputy Leader of the Opposition): I'm sorry, Your Honour, on a point of order. I apologize to Senator Dyck.

The Hon. the Speaker: Point of order. Yes, Senator Martin?

Senator Martin: I just want to point out the fact that Senator Dyck was not on the original list that was submitted. Senator Lovelace Nicholas spoke, so to have Senator Dyck speak immediately after, it does disrupt the list only because there are many senators waiting. I'm asking whether or not this was considered in calling on Senator Dyck to speak next.

The Hon. the Speaker: I was following the list that I have here, and it doesn't seem to me that it's going back and forth, which is the usual practice. It just happens to be the list that I was handed, Senator Martin.

Senator Dyck.

Senator Dyck: Thank you, Your Honour.

• (1710)

Honourable senators, since I was interrupted, I will repeat the last part.

Senator Stewart Olsen said that she was troubled by, and I quote, ". . . the seeming capitulation to the government . . ." and that she was troubled because she thought we, the Aboriginal Peoples Committee, had the hammer to delay the bill.

Colleagues, the Indigenous senators were able to use this so-called hammer in a way that was not necessarily delaying Bill C-45. We, the Indigenous senators, did not drop the hammer. We used it judiciously, and we used this hammer in a precise and focused action, with great aim, and achieved our objectives without causing undue collateral damage that a delay would precipitate.

I thank Senator Sinclair for stating last night his objections to Senator Stewart Olsen's words.

Colleagues, Senator Stewart Olsen did apologize to me last night, but at the time I did not recognize how condescending her comments were. When I read the transcript this morning, I realized how disrespectful her comments were. They were partisan rather than thoughtful and insightful.

Finally, as I said a few minutes ago, I will not raise a point of privilege, but I did want my objections to Senator Stewart Olsen's language to be recorded.

Colleagues, let us remember the Peter, Paul and Mary song.

If I had a hammer
I'd hammer out danger
I'd hammer out a warning
I'd hammer out love between my brothers and my sisters
All over this land

Senator Stewart Olsen's intervention last night has not changed my position on Bill C-45. I will support the passage of Bill C-45 as amended. Thank you.

[*Translation*]

Hon. Jean-Guy Dagenais: Honourable senators, I rise to tell you how troubled I am by the debate we have just had, mainly this week.

I am troubled to see us all forced into playing roles in a pathetic play, not to say a masquerade, by the master of costume changes in the other place. I expect the vote on Bill C-45, after all the work done by our committees and by this chamber, to reveal an unprecedented political blindness, all to please a politician who promised to legalize pot in Canada.

We have all worked hard, you and I, to fully understand the impact of this law. We did our job, despite being given limited time to study such an important social bill.

Today, I am troubled to see how little credit some of you gave to the sincere testimony of the physicians, experts, police officers, victims and politicians who came to tell us about the serious consequences that will arise if the Liberal government's Bill C-45 is passed.

I am deeply troubled to see that many of my colleagues, especially on the other side of the aisle, are prepared to ignore their advice purely for political reasons. I put it that way because I don't believe for a single second that all of you have collectively and simultaneously lost the independence you claim to have. I will come back to that in a minute.

I am also troubled to see that our Senate is prepared to ignore the constitutional rights of the provinces, which I consider to be an indefensible position for people as well-informed as you. I am troubled to see you rejecting the perfectly justified request of Indigenous peoples to postpone marijuana legalization by a year so we can all learn about the problems they fear in their communities. So much for reconciliation, to use the current Prime Minister's words.

I have a question for you. Why is it so urgent that we pass this bill on June 7, 2018? Why are you letting the government make you do this? I refuse to believe you've all naively bought into the idea that the government is legalizing marijuana for the good of Canadians. Before voting, you all had a chance to express your views on Bill C-45 or certain aspects of it. I would just like to review what senators on your side said about it.

Senators Dean, Gagné, Galvez, Lankin, Mégie, Moncion and Woo all raised concerns about how marijuana affects the brain. The doctors we all heard from in committee made similar comments. Senators Boniface, Dupuis, Galvez, Gold and Pratte all raised the issue of THC content in marijuana, and leading experts backed that up in committee too.

Senator Dean wisely spoke to the impact of marijuana legalization on Indigenous communities, and First Nations confirmed that in committee. Senators Moncion and Lankin talked about the problem of home growing. In their testimony at committee, police officers spoke to that too. Senators Mégie, Petitclerc and Woo supported the idea of raising the legal age for marijuana. Lastly, at one point or another, Senators Gagné, Galvez, Hartling, Lankin, Mégie, Moncion, Petitclerc and Pratte all pointed out shortcomings in terms of public education and awareness programs about marijuana.

I am looking at all of you and I ask you this: what changes were made to Bill C-45 that reflect the fears and concerns you so clearly expressed? I don't see a single substantial amendment. Why? Because the majority of you voted against other amendments. My question today is this: were you asked or perhaps told to pass the marijuana legalization bill as written? That is the only likely answer, in my opinion.

Where is your independence? Where is your ability to change things? Where is your consistency in addressing your own apprehensions? Was that all swept under the rug because you were suddenly enlightened by goodness knows what, perhaps divine intervention, or perhaps Saint Justin himself?

What we do here today is important to the credibility of the Senate and of its senators. Some observers have even speculated that our role would be vindicated by this bill, that our role would regain some credibility as a result of our deliberations on this matter. It's a shame. I think that passing this bill would be a mistake, and I hope I don't live long enough to witness the damage it causes to our society.

[*English*]

Hon. André Pratte: Honourable senators, the choice in front of us today is actually quite simple. Here we believe that the current system is working, which would lead us to vote against Bill C-45, or we think that a new approach is necessary.

If we believe a new approach is needed, there are only two alternatives: decriminalization, which apparently is the choice of some of our friends opposite, or legalization, Bill C-45.

However, when the Conservatives were last in government, there was absolutely no sign that they were contemplating decriminalization, even though the situation was as serious as it is today.

Also, during this debate, the Conservatives have repeatedly asked for criminalization of possession by minors of less than 5 grams of cannabis.

• (1720)

Therefore, I would argue that, if the past is any indication of the future, the chances of decriminalization ever seeing the light of day are close to non-existent. So the choice before us is clear: the current system, prohibition, or legalization, Bill C-45.

Thirty-two per cent. That is the percentage of Canadians aged 20 to 24 who have used cannabis in the last three months. Think about this. One in three Canadians in their early 20s is a regular cannabis user. This after a century of prohibition and hundreds of thousands of criminal charges. In my view, this alone puts to rest any remaining debate on the effectiveness of prohibition.

[*Translation*]

Here we are then, with Bill C-45 before us. In my opinion, the main advantage to legalization, as we have seen over the past few months, is that it helps open an honest dialogue about cannabis use at all levels of Canadian society, including in families and at schools across the country. Instead of turning a blind eye and relying on the criminal justice system, we can now address the problems of early or abusive consumption of cannabis with tools in the education and public health toolkit. For the millions of honest Canadians who use cannabis for recreational purposes, awareness will replace repression.

However, for people who break the law set out in the Cannabis Act, the penalties will be very severe. The proposed approach is neither foolish nor naive. It is finely crafted, realistic, and strict.

[*English*]

This evening, we will not vote on whether or not Canadians can use cannabis. They did not wait for our permission. The high prevalence of cannabis use is a given. We could claim, of course, to be wiser and threaten, "Thou shalt not consume cannabis before age 25 or 21 or 19." Young Canadians would ignore our huffing and puffing, like we ignored a lot of what our parents told us. Tonight, we will vote on the best way to deal with recreational cannabis use, not as a possibility, not as a Trudeau government policy, but as a fact.

So what do we do? Do we take a deep breath, close our eyes and stick with a demonstrably failed, hypocritical, unhealthy prohibitionist approach of the past, or do we move forward, eyes wide open, and choose the alternative: a frank, mature policy, to which we, as senators, have brought a significant, sober contribution? I choose the latter. I choose to support Bill C-45 because I am confident that Canadians can face this issue head-on, in a level-headed, responsible and determined manner.

Bill C-45 is not war on drugs, but it is not soft on drugs either. Bill C-45 is a pragmatic approach, one that respects Canadians' intelligence and undertakes to inform them on the risks of cannabis, rather than threaten them away from a product that millions legitimately enjoy.

Honourable senators, I choose a new way of doing things over a failed approach. I choose to open my eyes, rather than put on blinders. I choose education over criminalization, tough on crime over tough on youth, dialogue over diktat, information over threats. I trust Canadians, especially young Canadians. I am confident that, over time, once information and education are fully provided in a safe, legal environment, they will make the right choices — the right choices, not for us, as wise as we think we may be, but the right choices for themselves and for their loved ones.

Hon. A. Raynell Andreychuk: I'm just going to raise some of my concerns again in this chamber. I do not intend to canvass all of my concerns, nor the issues that I think have to be properly addressed, no matter which way this bill goes. What I want to address are only two or three issues.

I think it is wrong to say there are only two choices. There are many choices. Societies change every day, and we do not know what the children of the future need, what the children are experiencing today. We are not equipped fully in this chamber, or elsewhere, to really understand the various lifestyles and situations that children find themselves in.

Anyone who has worked in social services or in the family courts or had anything to do with pediatrics will tell you that every child is individual. Every child has different needs. And not all of the options are available to all children.

For many years, it is true, we have talked about decriminalization. I think the public was engaged in decriminalization, and, slowly, I saw society move from saying that it is criminal to, "Perhaps we should consider decriminalization, particularly for young people." But the government came very quickly to say "legalization," using a term "recreational" marijuana as being acceptable.

This raises the difficulty that many Canadians who have e-mailed me — and there have been hundreds — who confuse decriminalization and legalization. It was really incumbent on the government to put forward fully and to address education before the bill. It would have made it much simpler. We don't know what will work to make society better. Is it legalization? Is it decriminalization? Is it staying where we are, or are there other options? Other countries are exploring other options.

So I do not say it was a failed policy and now we're going to have a good policy. The other policy may have failed. New policies may be just as much a failure in 5 to 10 years. That's why I think we need the education, and I think that is why the concerns have been raised.

We cannot sit here and say we have the right option. What we can say is, if this bill is passed, we have a different option, but that's why we should have moved so cautiously. Education should have come first, and that is only now being addressed. I worry about the people in between the education. I do not believe alcohol and prohibition and then legalization is a good example. I do not go back to 1910 and 1920. Society is totally different. What we learned is that we went along the way and changed our alcohol policies.

I look at one policy in regard to Fetal Alcohol Syndrome, and what that has wrought. We weren't prepared. We weren't looking for the medical factors. Those of us who have had to work with children understand. Now, I worry about the brain damage that young people will have according to the reports that are coming out.

I believe the government has a right to introduce a law. They were, after all, elected by majority, and I submit that they have that right. But I also submit that they have a responsibility, as government, to implement such high-risk programs not as a work in progress but as an alternative and to show us how it will be implemented so that we can embrace the law. We can be part of it.

We are, in fact, in a democracy. Governments should be transparent and accountable. They should not just be transparent and accountable after the fact. I wish that we had more time to debate what Senator Lankin brought up.

• (1730)

We could learn from the past. White papers and green papers used to be disseminated to the public and the public could react long before the laws were implemented or drafted. I'm afraid not only did we not get the information early enough — and I'm not talking about the Senate; I'm talking about the public at large — but the public did not get the information early enough and did not get an opportunity to address their concerns.

That continues to be of great concern. How do we proceed from here? How are we going to educate the public? How are we going to deal with the issues?

One area that Senator Downe has been preoccupied with — and so have I — is illegal activity. It is a worldwide phenomenon. We can talk about stemming illegal activity by legalizing it. However, if you study the reports in the OECD and in all of our security environments, you will know that the criminal activity is a step ahead of us. We know that in our cybersecurity and in illegal activity. Those of us who have worked in the criminal law system will tell you that we will not eliminate illegal activity. We might slow it down and it may change, but it will be with us and we have to be ever vigilant. There is no panacea for illegal activity.

Finally, I have already addressed my concerns about international law and I will continue to follow up on them. As I stated before, and I'll state it again, we are in a very tenuous world. Like-minded countries that we used to sit with are now not as abiding by conventions they have signed or agreements or policies. Every little thread that rips apart a convention is not what we want from the value system that we have and the international order that we have tried to build.

My final point is that the Senate has a responsibility under the Constitution for Aboriginal people. I take that responsibility very seriously. The Declaration on the Rights of Indigenous Peoples and our section in the Charter of Rights and Freedoms is not negotiable. It is a right. It is a right of the Aboriginal people. I am somewhat concerned that we continue to say we will consult in the future. We will make a promise. The words that bothered me most in the letter from the minister were "rest assured." We have "rested assured" many times. I don't think our Aboriginal people deserve to have to wait.

Some Hon. Senators: Hear, hear!

Senator Andreychuk: The message today is: These are not rights we are giving to the Aboriginal people. These are rights the Aboriginal people have. We must do everything in this chamber to assure that they have them and not wait for another day. Thank you.

Some Hon. Senators: Hear, hear!

Hon. Patricia Bovey: Will Senator Andreychuk take a question?

Senator Andreychuk: Please.

Senator Bovey: On the international aspect , as I said the other night, a number of bills are before Congress and we are obviously a changing society. Well, it changed today. There was a bill put before both the U.S. Senate and the House of Representatives which I'm sure you've seen. These bills will protect the states that legalize marijuana from federal interference, allowing individuals and businesses acting in compliance with state marijuana laws to operate without the threat of federal prosecution.

I would be very interested to know how you think that might ameliorate or help move the world forward as countries around the world are changing their cannabis laws?

Senator Andreychuk: I would like to make two comments. First, the President has been on record as saying that he would allow the states to do what they wish but he has also said perhaps not, as we all know. But we heard absolutely in two committees that the federal position on the border will not change and has not changed. These laws, in my opinion — that is, unless there is something in them in detail — are about no federal interference into the states but they maintain federal jurisdiction at the border. I think that is where that issue stands.

I would dispute one thing: There are countries moving toward changes to their positions on marijuana. Equally, there are countries moving in the opposite direction, as we know. That's what bothers me about the international order. We would see like-minded countries moving in one direction and then we would see them asking how do we bring more people on to it? Our drug conventions have about 180 participants in them. Some of them want change. We're going to the WHO to see whether there are alternatives, but there are others who are maintaining their position and strengthening it. So, again, we are not at any consensus in that area.

That is why I think, yes, we violated the laws. I am very sorry that we did that. That decision must have been taken a year or two ago. What concerns me is what is our plan to reinforce the international order and what we stand for because I don't believe that Canada, or this government for that matter, wishes not to reinforce the international order.

Senator Bovey: As this was a bipartisan bill in both places, does my honourable colleague feel that this might make dialogue easier as we move forward into these new times?

Senator Andreychuk: I'm not sure that the United States will be the key. On international matters, the United States enters into the discussions but it is not the first to sign on either changes or otherwise. It's interesting that with many of the international conventions that have been signed, the United States is not a signatory to. But you will see that some parts of the United States, in their composition, will move to support them. I'm not sure and I would not hazard a guess anyway about what is going on in the United States.

[*Translation*]

Hon. Chantal Petitclerc: Honourable senators, I prepared a speech for today that had good statistics, pertinent quotes, and many arguments. This morning I woke up and wondered what more we could say. We have studied, thought about, and spoken about this bill for months.

[*English*]

I believe we have left no stone unturned, so this will be a very short speech. I have talked and thought about cannabis more in the last few months than in my whole life and at this point if I'm not ready, I will never be. There is only so much preparation you need before it's time to cross that finish line no matter how scary that is.

I believe that — and this is personal — the best moments, performances and decisions happen when our head, our heart and our guts are saying the same thing, are in sync. But to me that is pretty much impossible in this case when it's so complex and with so many unknowns. That is, I believe, the challenge that many of us face with this bill.

After months of speeches, over 100 witnesses sharing their expertise and countless hours just thinking about it — because we know we can't get it wrong — my head tells me that decriminalization is public health. It is protecting our youth. It matters and there is urgency in making it happen.

Adults who choose to consume cannabis should have access to legal, regulated, well-labelled products. Legalization will enable appropriate data collection and, therefore, better understanding of this substance and its harms.

My head tells me that this bill, with our strong amendments and thoughtful, relevant observations, is restrictive enough to protect the most vulnerable.

• (1740)

But my heart still worries.

I know more than ever before that this bill alone will not be enough, that public education and awareness has been insufficient, and that it will be, in my opinion, the single-most important key to success. In the last few days, there were amendments proposed by some colleagues that really resonated with me.

[*Translation*]

Senator Poirier, like you, I believe that the medical data proves that the later the better when it comes to exposure to cannabis. We must ensure that all our young people know it and are so informed.

[*English*]

Senator Wells, I too am worried about second-hand smoke, and I too believe that when it comes to cannabis, the harm is not known and underappreciated. In fact, when you told the story about growing up in a house where your parents smoked, it brought back memories. I too grew up with two parents who smoked heavily. They started when they were aged 15. They smoked in the house and the car. There is even a picture from 30 years ago of my mom with my baby brother in one arm and a cigarette in the other hand. She still smoked, but when I had my son four years ago, the first time she visited us, I didn't even have to ask her. She spontaneously went outside to smoke because she knows how harmful it is. And this year she started vaping and plans to stop by the end of the year. That is the great power of public education and awareness and, yes, for sure, a bit of pressure from me. But I truly believe that with very strong, diverse, long-term awareness campaigns, social change can happen and that we can have the impact that we will need.

My heart still wonders if we are just putting a lid on a problem instead of going to the roots of it. In all the questions, the one answer I never got, and that was the most important to me, is whether this bill will have a positive impact on significantly decreasing consumption among Canadian youth . No witnesses — and I think everyone agrees with that — have come forward to say it will have a significant impact in decreasing it. That is very concerning to me.

I know that some of my colleagues do not think it is a big problem, but I continue to believe it is very disturbing that our youth are among the highest users of cannabis in the world. I continue to believe that legalization alone will not address this.

[*Translation*]

Since we started our study of this bill, I have been fascinated by the Icelandic model. In 1998, the situation of youth in Iceland was disastrous. The country decided to take drastic action and to take a bold approach to the problem. Less than 20 years later, as of 2016, the results were remarkable.

[*English*]

In that small country, without legalization, teens who are 15 years old and 16 years old who use cannabis went from 17 per cent to 7 per cent in less than 20 years. In 1998, 42 per cent of teens said that they had been drunk in the previous month, and that rate dropped to only 5 per cent in 2016.

It's not by miracle that this happened. That very small country has practically eradicated the abuse of alcohol, tobacco and drugs among its young people because they understood that social problems are products of a social environment, and that a solution lies in the creation of an environment that does not produce an opportunity or desire for substance abuse. They went from what they call artificial highs and addictions to natural highs like sport, art and music.

[*Translation*]

The government of Iceland launched the program Youth in Iceland, which combines measures such as curfews, prevention, an increase in the legal age and, most importantly, subsidies and measures to help encourage participation in sport and to provide everyone with access to recreational activities, the arts and music. The Icelandic program also focuses on nurturing a sense of belonging, providing more attention, encouraging sharing and strengthening family bonds.

This Icelandic method has even inspired a European project called Youth in Europe, which is already yielding many positive results.

Honourable senators, I can hear you saying to yourselves, "Yes, but Iceland only has a population of 340,000; it is small and is not Canada."

[*English*]

Call me a dreamer, but I can't help thinking, why not? And what if, as a country, we decided to commit to a vision like this, why not be ambitious? What if we chose to invest the same amount of effort, time and resources we devoted to legalizing cannabis in a deep social change for our youth?

We may never know the answer because it is not the choice we have decided to make. Yet a small country like Iceland has made drastic, inspiring choices when it came to solving a serious problem of drug use among young people, and that choice led to results.

In conclusion, let me quote two great Canadians, Mark Tewksbury and our colleague Senator Manning.

My dear friend Mark Tewksbury, when he was dreaming of winning the gold medal in Barcelona in 1992, kept repeating to himself, "Someone is going to be the best in the world, so why not me? Why not me?"

And I think some country is going to be the best in the world when it comes to youth being health and thriving, with no limits to what they choose to accomplish. Someone is going to do it so why not us? Why not Canada?

Some Hon. Senators: Hear, hear.

Senator Petitclerc: As Senator Manning said in his very inspiring speech on May 31: " . . . every journey begins with a single step."

Let's hope that Bill C-45 is indeed this first step. But, most important, let's commit to making sure that the journey will not stop at this first step.

Hon. Senators: Hear, hear!

Hon. Ratna Omidvar: It's tough to follow that one, but I will try.

Clearly, Bill C-45 is a bill that will change, in some significant way, the narrative of this country. It seems to me that every June since I've been here, we've been in the same discussions about bills that change the narrative of our country.

The first June I came, it was Bill C-14, the assisted dying bill; the next June, last year, we were dealing with Bill C-16, which was the transgender rights bill; and this June, we are dealing with the cannabis bill.

Just a word of orientation for our new colleagues who have come in the last few weeks: June is never a dull month in the Senate.

I also want to take the opportunity to thank two very hard-working people who have dealt with all our suggestions and ideas, and these are our two law clerks. I was not aware that we only have two law clerks to deal with the plethora of amendments we are making, not just on Bill C-45, but on Bill C-49, et cetera. I wonder if two is enough, but I will leave that for others to decide. I would like to make sure they get a vote of thanks from us as well.

Hon. Senators: Hear, hear!

Senator Omidvar: To get back to Bill C-45, like many Canadians, I wish that people did not consume alcohol to the extent that they become a danger to themselves and to others. I wish they did not smoke at all, because we know of the health harms associated with tobacco. I wish the same for cannabis, but I don't think we can turn the clock back. Alcohol, tobacco and cannabis are facts of life. What we can do instead of wishful thinking is to legislate, regulate and monitor such that the health of individuals and communities is not at risk.

• (1750)

I will quote many other senators who have spoken before me: Prohibition does not work.

I grew up in a country where, depending on the government in power, alcohol was prohibited. I remember this distinctly. My father, who never had soup at home, would go to restaurant and order soup. I would wonder what he was doing; he didn't drink soup. One day, I peered into the bowl, and of course, it was scotch and soda. I said to him, "Do you even know what that is?" He shrugged his shoulders.

So prohibition serves only one purpose within this context: It is to grow and secure an illicit market. The illicit market is worth $6 billion. I use the words "illicit market" very carefully and very knowingly, as opposed to the commonly used words "black market." I have been educated by our colleague Senator Bernard on this matter, and I understand the sensitivities around it. I can't promise not to slip up, but I'm at least aware of what those two words can mean to a community that is already, especially within the context of cannabis, so heavily and disproportionately impacted.

What I worry most about the illicit market — and, yes, it destroys lives, families and communities — what is really scary is that young people are brought into touch with criminal elements. That's possibly normalizing criminal activities in their eyes. Who knows? It might even facilitate their entry into criminal activity.

I also think of the only way adults purchase cannabis, as long as it is illegal. I can only think of one source: You go to a dealer, who is part of an organized crime food chain. We know that. You call up your dealer — I'm imagining this; I have watched enough television shows to be quite vivid in my imagination — you stand at the corner of the street and someone gives you a baggie full of stuff. You don't know what it is and what's in it. You don't know whether it contains THC, CBD. The danger is that you actually don't know what is in it and, worse, you don't know if it's laced with something harmful. That is what worries me. It is like buying a pig in a poke.

Once legalization is the norm, you will go into a store or online and purchase a product. If it is labelled, you know what you are getting. You know its potency levels. There may be warnings on it, et cetera. You can be guaranteed that it will not be laced with a harmful substance.

I want to move on to another aspect of the illicit market and its impact on the consumer. We have heard a great deal in the chamber and at committee about the life-changing impact of criminalization. A youth indiscretion for simple possession leaves a lifelong imprint. As Senator Poirier pointed out yesterday, these harms include stigmatization, exclusion, limited opportunities for meaningful employment, and therefore worsening levels of poverty and poor health outcomes, all while exhausting limited public resources.

We have also heard at length about the disproportionate impact of criminalization on two historically excluded groups: Indigenous peoples and African Canadians. Senator Dyck reminded us that in Regina, Indigenous people are nine times more likely to be criminalized for simple possession compared to others. In Toronto, where I come from, in the 10 years between 2003 and 2013, Toronto police arrested Black people at three times the rate of White people for minor cannabis possession, and this despite data that shows similar rates of cannabis use among these communities.

Once again, criminalization has contributed to overrepresentation in our prison system for excluded groups.

I for one do not want to see another Indigenous person, African Canadian, racial minority or any other Canadian face a prison sentence for mere, simple possession.

But this does not complete my thoughts on this, because we do have fears. Let me move on to some of these fears.

We have heard people talk about the potential harm done by cannabis consumption among youth and the impact on their brain development. We have heard from many different witnesses. Quite frankly, the evidence is contradictory. Based on which point of view we have, we will cite the evidence that supports our point of view, but I don't deny that there is a potential for harm.

I take some comfort from the witness statement of Ian Culbert from the Canadian Public Health Association who told us that only 1 per cent of students in Grades 7 to 12 reported using cannabis daily in the past 12 months. That is the key: It depends on how soon in life you start using cannabis and how often you use it.

I will say that 1 per cent is not insignificant. We have to be worried about the 1 per cent, and we can't ignore this harm. But we also heard again and again in witness statements that legalization will help the scientific community do more research. They will be finally be able to do the research, because people will be admitting to using a legal substance as opposed to an illegal one. Then we will be able to find out, in a more scientific way I hope, the association of heavy usage, mental health and other health conditions. Once we know this, we can develop strategies and interventions based on evidence as opposed to fear and speculation.

There are other reasonable fears. Will use among young people go up? Frankly, I don't know if it will, but again I look at evidence from south of the border. The National Survey on Drug Use and Health found that in Colorado use did not go up; in fact, it dropped a little for young people aged 12 to 17. In Washington, the Washington State Liquor and Cannabis Board found in their Healthy Youth Survey that use had not gone up in 2012 and 2016. They have a scientific survey, where they ask the same question to Grades 8, 10 and 12 every two years.

I suspect the sky will not fall if this bill is passed. In fact, there is reason to be confident, colleagues. Two days ago, a new survey was published by Deloitte. It found that two thirds of Canadian cannabis users say they will switch to legal retailers. The reason for the switch is better choice, better quality products and safety. They are also prepared, by the way, to pay a slightly higher price in exchange for a product that is legal, safe and regulated. So I feel more confident that the passage of this bill will achieve its objectives.

In conclusion, I want to make a few comments about the process we have gone through. I want to thank and commend Senators Harder, Smith, Woo and Day for coming up with this process that has allowed us in a timely, efficient and non-truncated manner to dig deep into these issues and participate in the debate in a fulsome and timely manner. Well done.

Hon. Senators: Hear, hear!

Senator Omidvar: I would wish that we follow the same process, perhaps informally, for the next little while, and maybe we can actually formalize it in some time.

I also want to thank Senator Eggleton for the expert and elegant way he took members of the Social Affairs Committee through a very complex matter in a fair manner, as well as Senators Seidman and Petitclerc who joined hands to make sure that every member of the Social Affairs Committee was included.

• (1800)

Finally, I want to say thank you to Senator Dean. I personally owe a huge debt of gratitude to you, and I think we all owe you a huge debt of gratitude and appreciation for the absolutely outstanding job you have done. You have set a bar that is very hard for others to follow. Thank you very much.

Hon. Senators: Hear, hear!

Hon. Fabian Manning: Honourable senators, I would like to take this opportunity to make a few comments on Bill C-45. I would like to preface my remarks by saying that last month marked the twenty-fifth anniversary of my first election to the House of Assembly in Newfoundland and Labrador, which took place in 1993.

During the past 25 years, I have had the privilege of being a member in the Legislature of Newfoundland and Labrador, serving in the House of Commons, and now I have the honour to continue to serve with all of you here in the Senate of Canada. I have sat as a member of the opposition, a member of the governing party, and for a period of time I even sat as an independent.

I have learned many valuable lessons throughout the years and have come to accept and respect the opinions of others, even if they are totally different from mine. I have learned that people look at the world with different lenses and, in our case here in this chamber, review proposed legislation from a variety of perspectives, which is everyone's right to do so. I have also learned and lived through the pressures that are brought to bear by the governing party to support legislation with which one might not feel 100 per cent comfortable at the time. From the many discussions I have had during the past several weeks, I believe this piece of legislation to be a prime example of that.

However, at the end of the day, we all have a choice to make. We will all make a personal decision to support or not support a bill, as in this case with Bill C-45.

While I may not agree with the decision of many others in this chamber who will be supporting this bill, I do respect their right to do so. In turn, I ask that you respect my right to vehemently oppose this piece of legislation.

As a member of the Social Affairs Committee, I sat and listened to many witnesses who came before us in support of or against this bill. I spent many late evenings in my office poring over reports, studies and testimonies, as well as talking to people throughout different parts of my province and, indeed, the country.

Following all those efforts, I have reached my own conclusion that this piece of legislation is not in the best interests of Canadians at the present time. Many presentations have been made on this very important bill — as always, supported on both sides with what are deemed to be "the facts." However, I still have many questions and concerns.

When one hears arguments made in support of a piece of legislation, substantiated by a comprehensive study from a reputable group or organization, or supported by a massive polling exercise that says that the margin of error is plus or minus 1 per cent, and then the very next day one hears arguments against the same piece of legislation, substantiated by a comprehensive study from a reputable group or organization, and again supported by another massive polling exercise that says once again that the margin of error is plus or minus 1 per cent, one is often left wondering which side to believe. Who is right? Who is wrong? Who is telling the truth and, more importantly, who is not?

In my experience, I have also learned that if your pockets are deep enough and the question is posed in a certain way, you can receive whatever answer you desire to the question you are asking. Therefore, is there a right or wrong? That is not a question I can answer for someone else. I can only do that for myself. Based on what I have read and listened to, and based on what I have had laid before me on Bill C-45, I cannot and will not be supporting this bill.

I want to put forward here today that I am a strong supporter of medical marijuana. I feel that if any person, in consultation with their doctor, decides that the use of marijuana will bring relief to their suffering, that is their choice and I support that. I was extremely upset to learn that Bill C-45 would impose a tax on medical marijuana, while other prescription drugs in our country are not taxed. It begged the question in my mind: Is the purpose of this bill all about the money and the rest are just words?

I am also a big supporter of decriminalization of marijuana. We were all teenagers at one time and we all made mistakes. None of us is perfect, and I do not believe we should have to live with those childish and immature mistakes for the rest of our lives. To have a lifelong criminal record for being caught with three joints of weed when you were 16 or 17 years of age was, and remains, ridiculous. I am not convinced that Bill C-45 addresses the follies of youth in a fully constructive and productive manner.

After thoroughly studying the proposed bill, I have come to the conclusion that it is not well-thought-out. I understand the importance of a government striving to live up to a major election promise. I understand the desire for all levels of government to cash in on the tax revenue that will be derived from the sale of marijuana. However, I truly and honestly believe that the health and social costs derived from the implementation of this bill will far outweigh any economic benefits generated from the tax revenue that will be collected.

Let me state some of the concerns I have with this piece of legislation. According to the government, one of the intentions of this bill is to take marijuana out of the hands of kids, while at the same time, Bill C-45 allows children aged 12 to 17 to possess up to 5 grams of marijuana. Whereas I understand the decriminalization angle to this piece of the legislation, I do not believe possession of marijuana should be permitted by any child aged 12 to 17. I am a believer in zero tolerance at such a young age because of the medical evidence of the harm it can cause to youth. There has to be a better way to address this very important concern.

The Centre for Addiction and Mental Health has reviewed the evidence on cannabis control and drawn the following conclusions: Cannabis use carries significant health risks,

especially for people who use it frequently and/or begin to use it at an early age. Medical professionals from the Canadian Medical Association have testified that the brain continues to develop until age 25. Increased use before the age of 25 increases one's risk of developing mental disorders such as schizophrenia, depression and anxiety by up to 30 per cent compared to those who have not used marijuana under the age of 25.

Dr. Jeff Blackmer, from the Canadian Medical Association, also appeared before the Health Committee to testify and spoke specifically to how this government is not taking the medical advice on marijuana very seriously. He stated:

> We've been a little surprised that people haven't been more respectful of the evidence and the real potential for damage.
>
> These are not theoretical lab models. These are studies, and we know that the earlier people start, the greater the damage, the more permanent it is, and the greater the likelihood of becoming addicted to marijuana. We have all the statistics. We have all the evidence we need in terms of the effects on education, career attainment, IQ levels, and all of these types of things, yet we keep hearing that we need to keep it consistent with the age of alcohol.
>
> Again, to us, this argument doesn't hold water.

The Insurance Brokers Association of Canada has also raised serious concerns about how the legislation will affect home and auto insurance, especially about the amount of marijuana that can be consumed before driving a vehicle in order to maintain insurance policies. Whether marijuana plants being grown in a home will affect the homeowner's insurance rates, or even if they will be able to maintain their insurance, is of concern.

The Canadian Real Estate Association has raised concerns about the implications and consequences of personal cultivation for house and homeowners, including health and safety issues, questions regarding homeowner rights, enhanced disclosure requirements, effective oversight, and the enforcement of legal and illegal homegrown operations. They stated that their strong preference is that no personal cultivation of cannabis be allowed in a home.

These organizations I mentioned, as well as several other witnesses, stressed the importance of having a public awareness and public education program in place prior to legalization. There are no provisions in this bill for public education, and the government's efforts so far on this front leave much to be desired.

We heard from several witnesses as well, especially those involved in law enforcement, that the lack of a proper scientific method to detect any drug-impaired driver is a major concern. Many expressed the view they have not received the tools or the training to keep our highways and citizens safe. That should be a concern for all of us.

Knowing the very serious issues that Aboriginal communities in the Labrador region of my province — and elsewhere in this country — have experienced throughout the years, I am shocked and appalled when I see that vitally important amendments put forward by the Standing Senate Committee on Aboriginal Peoples were rejected by the majority and reduced to observations in the final report of the Standing Committee on Social Affairs. In my humble opinion, this was a grave error in judgment and, indeed, a lost opportunity. Important issues were raised, such as the lack of consultation with Indigenous communities and organizations in the development of Bill C-45; the lack of culturally specific public education materials on the legislation pertaining to the legalization of cannabis and on the health effects of cannabis; the lack of access to and funding for culturally specific mental health and addiction services; an imperative for action recognizing the inherent rights of Indigenous communities to exercise jurisdiction over the regulation, sale, consumption and taxation of cannabis in their communities; and the desire of Indigenous communities to fully participate in the economic opportunities and own-source revenue potential occasioned by the legalization of cannabis.

• (1810)

In all my time dealing with committee reports, regardless of who holds the reins of power here in Ottawa, it is difficult at most times to have a minister, a department and/or a government to act upon good, solid and well-thought-out recommendations from this place. The record of all governments of all political stripes in dealing with and acting upon these recommendations which have been reduced to observations is dismal on all fronts. It is considered by many as a slap in the face to the hard work and time we all put into our committee work.

I understand from the news media yesterday that the government has promised to deal with these issues and put the necessary human and financial resources in place to deal with the concerns brought forward through the work and recommendations of the Aboriginal Peoples Committee.

My friends, we all know promises and legislation have distinct differences. A promise can be broken, lost and not delivered on for a variety of reasons, including budgetary restraints, change in government, or even something as simple as a change of a minister. So please, I encourage everyone in this chamber to do our part to keep the feet of the government to the fire on these important issues. Only with the passage of time will we know the true commitment of the government. So please, do not allow the talking points to get in the way of what really needs to be done for the health and safety of our Aboriginal communities.

I also put forward the concerns expressed by several provinces that they be given the necessary time to prepare for the legalization of marijuana. I know the government has spoken about this, but there is a fear in many provinces that they are not fully prepared for all the issues that would arise when this bill becomes the law of the land. I stress the need for restraint on that front as well, along with the resources that will be required.

Colleagues, there are many clauses of this bill which concern me, but time does not allow me today to expand on all of those. As I said earlier in my remarks, I spent many hours studying and being part of the discussions on this very important piece of legislation. I drew my own conclusion that I could not support Bill C-45 at this time and in its present format. I believe it would be poor public policy because many parts of our country, especially the more remote areas, are not prepared for the changes that are about to happen.

I did not support any of the amendments from any side, because in my honest opinion, the bill reminds me of a large bucket of salty water, and regardless of the efforts to throw in a few glasses of fresh water, the original bucket of salty water still remains.

I believe this piece of legislation to be probably one of the largest policy shifts in Canada in quite some time, and maybe only one of the very few which we will ever deal with in this chamber that has the potential to change the face of our country in such a paramount way.

In my opinion, may I add that I do not believe the changes we will witness with the passage of this bill will be for the betterment of Canada and Canadians? As a matter of fact, I strongly believe otherwise. I have seen and witnessed what drug use can do to family and friends. I have seen first-hand the destruction of the lives of good, honest, hard-working people. I can only hope today that the revenue from the taxes collected on the sale of marijuana will be put into education programs, especially for our youth, and to assist with addictions and mental health issues throughout our country and, more particularly, in more remote locations.

I want to thank all those who contributed in any way to the important debate and discussion on Bill C-45, especially those who sat on several different committees dealing with the different elements of the bill, and more so, Senator Eggleton, Senator Seidman, and Senator Petitclerc for their work on the Social Affairs Committee. It has taken much time and deliberation, and you're all to be commended for your efforts.

To the sponsor of the bill, Senator Dean, I say congratulations on your work as well, even with all the personal health issues you had to deal with. While I spoke to you several times and told you that I did not agree with this bill, our conversations were always respectful and constructive, even when I knew my personal views were not making any impact.

We all have a choice to make on what we believe in our hearts and souls to be the best interests of all those that we have the privilege to serve. As I said at the beginning, I respect your right to vote how you desire, and I ask you to respect my right to do so as well.

Hon. Senators: Hear, hear!

Hon. Denise Batters: Honourable senators, I rise today to speak on third reading of Bill C-45.

Let me begin by saying that I am concerned about the uncharted future into which this legislation leads us. Colleagues, Canada is just not ready to legalize marijuana. The police, the provinces, municipalities, the over-burdened health care and justice systems are just not ready for a sudden policy shift of this magnitude, rushed under the pressure of a government dead set on meeting an arbitrary deadline for its own political reasons.

When Bill C-45 was first proposed, there were many questions to be answered. This bill has been before Parliament for more than a year. Here we are at third reading in the Senate, and there are even more unanswered questions now than when we began our study. How will law enforcement be able to enforce home cultivation laws? When will roadside drug detection machines finally be selected? What are the implications for Canadians at the U.S. border once marijuana is legalized in Canada? How is it going to be handled in the Aboriginal communities that don't want any part of it? What about the international anti-drug treaties Canada has signed? At what price will the government set marijuana? Is that low enough to avoid the growth of the black market? The questions are endless.

What is disturbing is that the very architects of this legislation can't answer some of these most basic questions at this point in the process. The officials in charge of drafting and implementing this bill can't even explain some of its provisions adequately. I told you in my report stage speech about my experience asking the Department of Justice, Public Safety and Health officials at committee for clarification about the provisions of clause 8(1)(e) in this bill. This provision is regarding the number of budding or flowering plants an individual is prohibited from possessing. The officials could not agree among themselves. The Justice officials said the clause referred to budding and flowering plants in public, even though the words "in public" were not present in that clause or in any clause that referred to clause 8(1)(e). I pointed this out and asked them to provide further clarification. None was forthcoming.

When Senator Manning asked those same Justice officials the same question at the Social Affairs Committee two months later, he still got the same erroneous answer they had tried to provide me with two months earlier.

This simply isn't good enough, honourable senators. Canadians deserve to know with certainty whether or not they will be breaking the criminal law of Canada if they grow one or four or six marijuana plants that are budding or flowering in their homes.

It seems like this government has made a drafting error on a basic clause of this bill that will impact a large number of Canadians, yet they refuse to admit it. It wasn't even one of the unprecedented 29 amendments the government made to its own legislation through its proxy, Senator Dean. The government has had two and a half years to get this legislation right, honourable senators. It concerns me greatly that we are still finding holes in the legislation at this late point in the game.

In the past few days, senators have moved amendments to address some of the problems with Bill C-45. I am relieved to see at least a few measures passed which will tighten up some of the more liberal provisions in this bill: Senator Seidman's proposal to limit branded advertising swag, for example, or Senator Plett's restrictions on social sharing. Yet I can't help feeling that it's not enough.

We have an opportunity now to mitigate the damage of marijuana legalization before it becomes law, and I'm afraid we have largely missed it: first, because the Senate voted down a measure to prohibit home cultivation; and second, because it voted down the proposal to raise the age limit to 21 years of age for access to marijuana. These two measures would have at least helped to lessen the impact of this legislation on children and young adults, something to which this Trudeau government pays lip service but doesn't bear out in its actions.

From the beginning, this government has told Canadians that the whole purpose behind this legislation is to keep marijuana out of the hands of kids. It is illogical that the Trudeau government's legalization scheme will do that. With 18-year-olds able to legally purchase pot, there will be a conduit for marijuana right into high schools. And now, with the social sharing proposal, teens as young as 16 will be able to access marijuana from their friends. Further, as legalization leads to the normalization of marijuana, usage among young people will increase.

• (1820)

Honourable senators, we had an extensive discussion yesterday in this chamber about the mental health repercussions of marijuana use, particularly on the developing brains of youths under 25. This remains my primary concern about this bill.

Since we began studying this bill in the Senate, it has been patently obvious that mental health concerns about legalization do not similarly preoccupy this Trudeau government. When I asked the Health Minister in the Senate's Committee of the Whole, in this very chamber, about the significant mental health implications of marijuana legalization, she gave me an almost two-minute answer without once saying the words, "mental health." That is very telling, honourable Senators, and deeply troubling.

Medical professionals are overwhelmingly warning against this. We should be heeding their call. The mental health care system in Canada is woefully inadequate right now, yet this government is pushing through the legalization of a psychotropic drug with significant mental health consequences.

Especially concerning is the impact this will have on children's mental health services: currently, only one out of every five children who need mental health services receives them. We can expect youth usage to rise after legalization and, with it, the pressures on the youth mental health system will intensify as marijuana becomes normalized and increasingly available to young people.

Canada's addictions treatment infrastructure is also not ready to deal with an increase of marijuana addictions stemming from legalization. As psychiatrist and professor Dr. Philip Tibbo testified before the Senate Social Affairs Committee:

> . . . there are treatments for cannabis addictions. Is it available and are people trained across the country in both urban and rural locations? Not at this date. If you ask me today whether we are ready to deal with cannabis abuse and dependence from a treatment angle, no, we're not ready at this point. There has to be a lot of capacity building and also some research as to what are good treatment options.

I do not support the legalization of marijuana — I'm sure that comes as a surprise to no one — but if legalization is to proceed, it should not be in this current form, a bill that prominent defence lawyer Solomon Friedman has referred to as a "hot mess of confusion."

Yet, it seems this Trudeau government intends to steamroll ahead with this flawed piece of legislation, consequences be damned, to meet his political timeline. In fact, honourable senators, everything about this bill has been dictated by Prime Minister Trudeau's political ambitions. This was obvious right from the start, when Bill C-45 was introduced in the House of Commons on the last sitting day immediately before April 20, to ensure that the thousands of marijuana smokers who converge on Parliament Hill each year would be happy with the Trudeau government they had voted in. The Trudeau government had just broken their electoral reform promise only weeks before and they needed to promise their young voters something else to distract from that fallout.

Well, I can tell you, honourable senators, the fallout for Canadians from this political decision to legalize marijuana will be enormous. We will not be able to put this genie back in the bottle. For the reasons I have outlined, I will be voting against Bill C-45 at third reading. I ask you to reflect deeply on the repercussions this legislation will have on youth, mental health and the safety of all Canadians, and I hope that you will join me in voting against it.

Thank you.

[*Translation*]

Hon. Renée Dupuis: Honourable senators, I rise to speak at third reading of Bill C-45, the cannabis act, as passed by the House of Commons on November 27, 2017, and as amended by the Senate on May 30, 2018.

This bill reflects the political commitment made by the current federal government during the 2015 election campaign that put it in office. The commitment states that the government will "legalize [and] regulate . . . access to marijuana."

Regardless of how you feel about cannabis and legalizing it, I think that we have carefully studied this bill. We did research and received support from the sponsor of this bill, Senator Dean, whom I want to thank. We also had the opportunity to hear from an impressive number of witnesses from all kinds of backgrounds and with very different views. These witnesses appeared before several Senate committees and, ultimately, before the Standing Senate Committee on Social Affairs, Science and Technology. We were able to get answers to our questions, and we came to the following conclusions.

We realize that we are not the first Canadian parliamentarians to study the issue of cannabis use since the 1970s.

We know that this is a very complex issue.

We know that cannabis is considered to be the drug most widely used, produced and sold in the world, and that cannabis is consumed in almost every country.

We know that cannabis use is widespread in Canada, especially among youth, that the black market is flourishing, and that there is currently no control over the content of the products consumed.

We know that cannabis can have a significant adverse impact on the health of people who use it, especially those who start at an early age and use it regularly.

We know that the consumption and commercialization of cannabis create major public health issues.

We know that there are serious gaps in our scientific knowledge on the effects of cannabis consumption and not enough scientific research on cannabis in Canada. We also know that we will have a lot of catching up to do if we want to monitor the new situation that will arise if Bill C-45 passes, and especially if we want to address the current shortage of data needed to provide a valid basis for the decisions that will have to be made in order to apply the law.

We know that the legalization of cannabis proposed by Bill C-45 would be incorporated into a legal regime that currently allows cannabis and cannabis-related products to be produced and consumed by patients who need it for pain relief.

We know how important it is to review the current system, which allows patients to designate someone to grow cannabis for medical purposes.

We also know that the current medical cannabis system was directly shaped by Canadian court decisions starting in the 2000s.

We know that the cannabis issue has been the subject of discussions, legal appeals and regulations, as part of an ongoing dialogue between the legislative, executive and judicial branches of government, for several decades.

We know that we have gone from dried cannabis, which was obtained from certain parts of the cannabis plant and used to be consumed in the 1960s, to a virtually endless number of products made from various components of the plant, in forms that can be smoked, vaped, drunk, eaten, or applied topically, and most importantly, with THC concentrations that are much higher than 50 years ago.

We know that it is urgent that the government implement a quality control regime for the products that will be on the market. We know how important it is to strictly control the promotion and marketing of the products that will be legalized in order to prevent young people from being targeted and to ensure that people do not think that these products are safe just because they are available on the market.

We all know that there are international issues, given Canada's international obligations.

We know that, if this federal legislation is passed, it will become part of a network of provincial and territorial laws, which will regulate certain aspects.

We know that most of the provinces and territories have already identified their respective priorities and that they will implement the necessary legislation. That is why the senators from the Independent Senators Group wanted to add a recommendation in this regard to the report of the Standing Senate Committee on Legal and Constitutional Affairs, of which I am a member. This recommendation was unanimously adopted by the committee. It was with that in mind that I submitted a proposal for an amendment to my colleagues in the Independent Senators Group to clarify the provinces' powers to legislate on growing cannabis at home, including the prohibition of home cannabis cultivation. After discussions among group members, the Independent Senators Group tabled that proposal as an amendment before the Standing Senate Committee on Social Affairs, Science and Technology, which adopted it. It was also adopted by the Senate on May 30, and it is now the third amendment, which adds new clause 5.2 to Bill C-45.

I would like to highlight the extraordinary contribution of the Chair of the Standing Senate Committee on Social Affairs, Science and Technology, Senator Eggleton, as well as the contributions of the two deputy chairs, Senators Petitclerc and Seidman, who had to reconcile their comprehensive study of the bill with the studies conducted by the other Senate committees that were mandated to examine certain parts of the bill.

• (1830)

We particularly understood the urgent need to develop prevention, information and education programs directed at young people, as well as parents and educators. We understood the challenge of communicating a social message recognizing that cannabis can help alleviate the pain of people who are ill, but at the same time it is also likely to cause serious health problems for others who use it.

We understood that we have a duty to ensure that young people in our society are properly informed and provide them with the necessary support.

Lastly, we understood that we have a responsibility, as adults, to move beyond the state of denial, indifference and trivialization maintained by the current cannabis prohibition system.

Honourable senators, our role does not end here today with this vote. We must remain vigilant and rigorously analyze the report the government will have to table in the Senate after it has reviewed the act and its administration and operation in five years, as required by clause 151. Thank you.

Hon. Senators: Hear, hear!

[*English*]

Hon. Norman E. Doyle: Honourable senators, I wish to make a few remarks on Bill C-45, An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts. From the outset, I want to go on record as opposing the bill, which I feel is not in the public interest.

I know that most of what I'm going to say will have been said many times before either in committee or in speaking to amendments. However, I feel the issue is important enough to bear the weight of some repetition.

The real and significant problems connected with the use of cannabis are out there for all of us to examine, especially as it pertains to young people, and yet we're well on our way to legalizing its use. We are cautioned by a multitude of sources that at a time when we are spending millions if not billions of dollars to discourage recreational tobacco use, we disregard public safety by legalizing a drug which is obviously much more dangerous.

Many people wonder if it would not be more logical to place our money in programs that tackle the underlying cause of drug use and addictions, for example, poverty, family breakdown, violence and mental illness. There's a myriad of things that cause people to reach for mind-altering drugs, and I have my doubts that the many problems associated with drug use will be solved with drugs and their legalization.

I have other concerns as well. One is that Bill C-45 makes it easier to allow for the legal sale and distribution of yet another intoxicant for general public use. Anyone who watches the news will know that society is already in constant turmoil because of our abuse of three other types of legal intoxicants: tobacco, alcohol and prescription drugs. Now we are about to add cannabis to the list of things that can so often lead to problems.

If the Government of Canada does not mind my asking, what is the rush to do this? The vast majority of the general public are not marching in the streets every day carrying placards that read "hurry up on the cannabis." Nevertheless, we are rushing to meet an artificial July 1 deadline for passage of the bill.

That being said, I think my predominant concern with Bill C-45 has to do with its effect on Canada's youth. Indeed, the medical profession — we have heard it a number of times — has recommended that the age for cannabis use should be at least 21. It seems that cannabis has a detrimental effect on the development of a young person's brain.

In other words, for their own sake, kids should not be using cannabis in their formative years. The brain does not stop its development until age 25. That is the information given to us by the medical professionals we have met with here on the Hill who are very concerned with the passage of this bill in its current form. Really, are we listening to the medical professionals? If not, why not? Indeed, the position paper of the Canadian Paediatric Society urges the government to consider the dangers of so young an age to purchase marijuana. Again, the government keeps talking about protecting children but completely ignores the evidence.

Bill C-45 lacks crucial information, according to former Minister of Justice Rob Nicholson, and he is wondering why the current government is ignoring that crucial scientific information — information that has a tangible impact on the health and the best interests of Canadians.

In a speech in the house, he said the ". . . government had plenty of time to study the impact of marijuana legalization in several jurisdictions in the United States." But it appears to have ignored it, which is really too bad.

The former minister goes on to say:

> . . . our American counterparts have found an increase in impaired driving following the legalization of marijuana in certain jurisdictions. In fact, the U.S. Department of Justice found that on Colorado roads, during the year following legalization of marijuana, there has been a 32% increase in deaths related to marijuana-impaired driving. That is completely unacceptable.

Why is it that we seem oblivious to these facts?

According to the Canadian Student Tobacco, Alcohol and Drugs Survey, nearly one in five Canadian high school students has been a passenger in a car whose driver had recently smoked marijuana. Canadians of all ages are very confused about the many existing myths regarding smoking and driving. For example, in a 2014 poll, 32 per cent of Canadian teens believed that driving high is less dangerous than driving drunk.

The spread of this kind of thinking will have serious consequences. A report prepared by the Canadian Centre for Substance Use and Addiction states that Canadians 16 to 19 years of age are more likely to drive two hours after ingesting marijuana than they would be two hours after drinking. We badly need a focused education program on these things.

Still quoting the former Minister of Justice, he said:

> In Colorado, these studies have had far-reaching and tangible consequences. According to a recent report by the Colorado Department of Health, hospitalization involving patients with marijuana exposure and diagnosis tripled from around 803 per 100,000 between 2001 and 2009 to 2,413 per 100,000 after marijuana was legalized. . . . This serves as a cautionary guideline for how children will be impacted by easy access and exposure to pot.

While the bill deals mainly with legalizing the production, sale and consumption of recreational cannabis products by adults, we should never forget that adults are usually part of families and that many families have children. The sadly ironic thing is that Bill C-45 envisions that our cannabis revolution is going to occur at least partly on the home front in the home.

In many homes, children are already exposed to adults drinking alcohol and smoking tobacco, and now they will be exposed to some adults smoking cannabis. Previously, because the recreational use of cannabis was illegal, there was at least some impetus for smokers to be a little bit discreet, especially if children were present. Will such discretion go up in smoke once the recreational use of cannabis becomes legal? These are good questions that people are asking and want us to be attentive to.

Another problem that the medical people raised at our meeting was the danger to children in helping themselves to improperly stored edible cannabis products in the home. Many of these products look exactly like cookies or candies, and we all know that small children, in particular, are going to be constantly putting things in their mouths, whether it's a laundry pod or several cannabis-infused gummy bears, the result is usually the same — a trip to the emergency room. Again, the medical community is convinced that this area of concern is warranted.

• (1840)

In summing up, not only will we be able to buy cannabis at the local liquor store, we can grow it, bake it or smoke it in the home. Is this the path we want to lead our children down as we step into the 21st century? Is it conscionable to have our innocent children born into a society that has a lack of concern for their well-being?

One of the government's main selling points on Bill C-45 is that a government-regulated system will be better at keeping cannabis production out of the hands of organized crime, and cannabis and cannabis products out of the hands of children. I watched a documentary — I'm sure you caught it as well — on the Colorado situation only a couple of weeks ago and organized crime is doing just fine in the price wars. Legal growers sell for $10 a gram and organized crime sells for $6 a gram. I'm not sure this bill will keep cannabis out of the hands of children. However, a concerted crackdown on organized crime using the hundreds of millions of dollars we are spending on legalizing this drug could have been a step in the right direction.

The only positive thing I can say about this bill is that it has brought out many thought-provoking comments online. I went online a couple of days ago, and one woman said:

> We accept many terrible laws today because the world's shouting overrides and drowns out the inner voice of a true conscience that God put within us.

I thought that was a very good line.

Hon. Elizabeth Marshall: Honourable senators, I rise today to also speak to Bill C-45, an Act respecting cannabis. I have to say that anything I say now you have all heard before, but I felt it was important that I put on record what my primary concern is with regard to this bill.

The bill proposes to legalize the production, possession, use and distribution of marijuana across Canada. The supposed purpose of the bill is to protect public health and safety, but its provisions appear to conflict with this objective, particularly for Canada's youth.

Despite concerns over the many health risks associated with its use, the federal government is moving towards fulfilling its election promise to legalize the recreational use of cannabis in Canada by July of this year.

I would like to start by saying that recreational and medicinal use of cannabis are not equivalent and, therefore, should have different frameworks for access.

Medical access to cannabis was first granted in Canada in 1999, with several amendments, leading to the current Access to Cannabis for Medical Purposes Regulations.

Patients have the right to access cannabis for medical purposes if they have the support of a health care practitioner.

The Task Force on Cannabis Legalization and Regulation pointed out in its report entitled *A Framework for the Legalization and Regulation of Cannabis in Canada* that maintaining a separate medical stream provides the best route to ensure better patient safety and effective disease treatment.

This separate framework would support patients and health care providers by helping to reduce stigma, provide uniform systems for ongoing patient monitoring, facilitate continued education for health care providers, provide incentives to strengthen research into efficacy and safety of use, and develop novel cannabinoid-based therapeutics.

Honourable senators, there is a serious impact of marijuana on the health of our youth. The Canadian Medical Association has already warned the government that the use of cannabis has significant psychological impacts on brain development up to the age of 25, and recommends that 21 years of age is the youngest acceptable age to legalize the purchase and use of marijuana.

The Canadian Psychiatric Association has also recommended the minimum age of 21 for the recreational use of cannabis. However, the federal government has set the age of 18 as the legal age.

Similarly, the Canadian Paediatric Society urges the government to consider the dangers of such a young age to purchase and consume marijuana, as its use at such a young age is strongly linked to, and I quote:

> . . . cannabis dependence and other substance use disorders; the initiation and maintenance of tobacco smoking; an increased presence of mental illness, including depression, anxiety and psychosis; impaired neurological development and cognitive decline; and diminished school performance and lifetime achievement.

The Centre for Addiction and Mental Health and the Canadian Paediatric Society have publicly stated that marijuana is not harmless and can have negative effects on the brain, especially young brains. The Centre for Addiction and Mental Health has stated clearly that "cannabis is not a benign substance and its health harms increase with the intensity of use."

Although adults are also susceptible to the harmful effects of cannabis, the developing brain is especially sensitive.

An expert panel composed of the Canadian Association of Paediatric Health Centres and the Paediatric Chairs of Canada has indicated that evidence suggests a direct link between significant mental health issues in youth and the regular use of cannabis, creating dependency, psychosis and depression.

Internationally, the World Health Organization has identified both acute and chronic health effects of cannabis use. Some of the acute effects of marijuana are the impairment of cognitive development, impairment of psychomotor performance in a wide variety of tasks, such as motor coordination, divided attention, and operative tasks of many types, and the impairment on the use of complex machinery for as long as 24 hours after smoking as little as 20 milligrams of THC.

According to the World Health Organization, some of the chronic effects of cannabis are:

> . . . impairment of cognitive functioning which include the organization and integration of complex information involving various mechanisms of attention and memory processes;
>
> . . . impairment, which may not recover with cessation of use, and which could affect daily life functions;
>
> development of a cannabis dependence syndrome characterized by a loss of control over cannabis use. . .

The World Health Organization has also pointed out that cannabis use can worsen schizophrenia in affected individuals as well as increase pulmonary inflammations and injuries of the trachea and major bronchi caused by long-term cannabis smoking. Cannabis use can also cause impairment in fetal development, leading to a reduction in birth weight and postnatal risk of rare forms of cancer if used during pregnancy.

Our Department of Health, on the Government of Canada website, outlines the mental health effects of cannabis. I'll read some of this because it is absolutely amazing. This is on the government website, and we are actually talking about legalizing cannabis. It says:

> In some people, cannabis use increases the risk of developing mental illnesses like psychosis or schizophrenia, especially in those who:
>
> start using cannabis at a young age
>
> use cannabis frequently. . .
>
> have a personal or family history of psychosis and/or schizophrenia.
>
> Frequent cannabis use has also been associated with an increased risk of
>
> suicide
>
> depression
>
> anxiety disorders
>
> . . .There is evidence to suggest that combining tobacco with cannabis can increase:
>
> the strength of some psychoactive effects
>
> the risk of poor mental health outcomes, including: dependence

This is also on the Health Canada website:

> Research shows the brain is not fully developed until around age 25. Thus, youth are especially vulnerable to the effects of cannabis on brain development and function. The THC in cannabis affects the same biological system in the brain that directs brain development.
>
> Cannabis use has been associated with increased risk of harms when it:
>
> is frequent
>
> continues over time
>
> begins early in adolescence
>
> Some of the harms may not be fully reversible

There is a lot more on the government website on cannabis and mental health, but that will give you an idea of some of the items there.

Despite this evidence, the government is resolved to legalizing cannabis this summer. Therefore, it is disregarding all the warnings that the use of cannabis has for the health of Canadians, especially the mental health of our youth.

This legislation will also be putting children at risk by having much greater access to marijuana. I'm sure this concern echoes with parents of young children and teenagers.

The bill recommends 18 years as the minimum age of use, whereas experts have suggested the minimum age of 21.

• (1850)

Legalized marijuana gives young Canadians the message that recreational drug use is permitted, risk-free and acceptable. Just think of a 12 year-old who might be able to use and/or distribute cannabis to his or her peers on the playground.

The government is telling Canadians that up to 5 grams is acceptable and, as such, is normalizing marijuana use among children and youth. Legalization of cannabis use may be interpreted, consequently, as the normalization of consumption, which can result in a consumption increase and, ultimately, lead to addiction. While the government has advertised that one of its objectives is to prevent young people from accessing cannabis, in reality, the bill does just the opposite.

Bill C-45 is allowing people to have at least four marijuana plants inside their homes. This is quite concerning as children can potentially access marijuana this way. For example, if parents are growing marijuana in the kitchen, there is no easier way for children or youth to access cannabis in the household. Youth are going to start using marijuana under age. With this minimum age and this unprecedented accessibility, it cannot be said that the government is protecting children and youth.

Another issue that concerns me is edibles, or cannabis-infused foods and drinks, and the lack of regulation. In October of 2017, the House of Commons Standing Committee on Health voted for and passed two proposed amendments to Bill C-45 affecting edibles. The first amendment added edibles containing cannabis and cannabis concentrates to the types of cannabis that an authorized person may sell. The second amendment required that the addition of edibles must occur within one year of the bill coming into force. Thus, if the bill is passed, the sale of edibles by an authorized person should be legal in Canada by July 2019.

Within a year, the government will need to draft and implement regulations dealing with the production and sale of edibles. This will be an important responsibility as edibles are a controversial and complex component of the regulation of cannabis. It should be noted that the Task Force on Cannabis Legalization and Regulation's report concluded that edibles should be legal in Canada and set out recommendations for their production and sale despite the risks and concerns.

Edibles pose serious health risks because they take longer to have an effect, which can lead to unintended overconsumption. As a result, some users may experience serious anxiety attacks and psychotic-like symptoms. Edibles can appeal to children and youth, especially if they come in the form of a candy or pastry. They can be indistinguishable from candy treats or baked goods often found in family kitchens. At this time, education will be central to prevent misuse.

According to health care professionals, the consumption of several portions of edibles for any age group would result in different potential psychological effects, besides the possibility of over-sedation, anxiety or psychosis. Several servings in a short time period can also produce intense anxiety, paranoia and even psychosis. These adverse side effects are more frequent among youth and first-time users, and these health risks cannot be underestimated. The expert panel comprising the Canadian Association of Paediatric Health Centres and the Paediatric Chairs of Canada pointed out that the government should prioritize the training of health professionals to diagnose and treat accidental ingestion to minimize harm as it is expected that there will be increasing visits to emergency departments by children who accidentally swallow edibles with cannabis.

This same panel has indicated that the federal government should determine the risks associated with consumption and addiction with regard to the increasing levels of THC concentration in edibles and concentrates.

Honourable senators, in concluding my remarks, I'd like to make a personal observation or a personal comment. Newfoundland and Labrador is a small community, and people know each other. If they don't know somebody, they know somebody who knows them. It's a very close-knit community, and, over the last couple of years, we've had a number of events or incidents whereby young people have lost their lives. They are involved in drugs, and these young people have passed away. They are in their twenties and thirties. It's not just one young person; it's several young people. In other instances, I know families whose children are addicted to drugs. Once you are addicted to drugs, to be rehabilitated, it's a long, hard road for those families, and it usually involves relapses and going through the same rehab processes time and again.

So some families are really struggling with drugs. If this legislation passes — and, just listening to the speakers, it seems that it probably will pass — I hope that the government will put adequate funding into rehab programs, into education, into mental health, all of those side issues that are going to come out of the legalization of cannabis.

I know, on the Finance Committee — I only attended a couple of meetings of the Social Affairs Committee and the Legal Committee on the two cannabis bills — we did have a member of Parliament, Bill Blair, appear before the committee, and I did ask him the question of how much money has been spent so far on education because I had expected, with the legalization of marijuana looking us in the face, that there would be a lot of educational material and that we would see a lot of advertisements. He didn't have the information with him at the time. He gave me an estimate, and I said to him, "No, I'd really like to have the actual number. I received it the other day, and the number is, I think, around $9 million. I was really surprised at how low the amount of money is that has been spent so far. The budget seems to be high. I think it's around $100 million, but the actual number that he gave was quite low.

If this bill is passed, I do hope that with all of the tax revenues that are anticipated to flow into the government coffers as a result of the legalization of marijuana, some of it can be diverted into the programs that are going to be needed to deal with the effects of the legalization of marijuana.

[*Translation*]

Hon. Ghislain Maltais: Bill C-45 is no doubt one of the most important laws that most of us will ever vote on. It is a fundament law that will transform our country. Will it be for the better or for the worse? Only time will tell.

Everyone is interested in the health aspect, the profit aspect and several other aspects of this bill. Interestingly enough, I am interested in the agricultural aspect. Since I have been a member of the Standing Senate Committee on Agriculture and Forestry for six and a half years, I looked at what impact this could have on agriculture.

In January, I met with mayors and municipal councillors and they provided me with some valuable insight. They were concerned about what would become of the cannabis residues. Did anyone in this room wonder about that? I told them that I would look into it, do some research and ask some questions.

Of course the Standing Senate Committee on Agriculture and Forestry, which is chaired by Senator Griffin, our colleague from Prince Edward Island, heard from all sorts of witnesses, some serious and some just amusing. I say amusing because they came to promote their products. I asked them what they did before. One of them told me that he worked in technology, while another worked in the auto parts industry. I congratulated them on wanting to become farmers.

There hasn't been this much money invested in Canadian agriculture since the time of Confederation. Tens, hundreds, and even billions of dollars are suddenly being invested. I don't think that this many people either from home or abroad have ever been so interested in Canadian agriculture, even during Canada's hardest times. I told myself that, if that money, the source of which is still unknown, had been invested in growing carrots, turnips and greens, then we could have fed half the world's population.

• (1900)

Of course, there's no money in lettuce, carrots and turnips. I think that part of the appeal of growing cannabis is the lure of money. People are not just investing for the fun of it. They are investing in order to get into a market and hold onto it for a long time. That is their right, because this is a free country.

I want to come back to cannabis residue. Under the legislation, we are going to end up with a significant amount of residue. Most experts we welcomed at the Standing Committee on Agriculture told us that cannabis residue did not make for very good compost.

However, two experts firmly believed that cannabis had no adverse effect on composting. I asked them to send a letter to our Canadian Minister of Agriculture and Agri-Food in order to officially confirm to him that cannabis residue poses no risk to traditional farming. That was on February 8. Today is June 7, and the minister still has not received that letter, nor has the chair of our committee. It was just talk.

When the minister appeared before the Standing Senate Committee on Agriculture and Forestry, he told us in all honesty, and I commend him on that, that his department had not ordered any scientific studies to determine whether cannabis residue is harmful for composting or not. He added that the Minister of Health may have done so, but he wasn't sure. We finally had the truth. He also told us that since cannabis production was going to increase significantly in the next few years, the potential impact on soil quality should be looked at more closely.

I'm talking about composting because Canadians and municipalities are worried. Urban gardening is getting more and more popular. Nearly everyone has a little balcony or backyard garden these days. People are worried that the residues of the four cannabis plants that each person will be allowed to have will mix with other compostable material. No one has been able to reassure us on that score. This issue keeps bothering me because it could affect millions of Canadians in cities like Montreal, Toronto, Winnipeg, Calgary, Halifax, Vancouver and St. John's. Balcony gardeners have concerns, while cannabis smokers believe consumption is not harmful to their health. Quite the contrary.

We asked ourselves the following question: is cannabis an agricultural product? Medical cannabis producers say it's a medical product. If so, why isn't it sold in pharmacies? If I need Tylenol, I go buy some at the pharmacy. If my doctor prescribes an antibiotic, I find it at the pharmacy. But if I want cannabis, I have to go to a reseller. If it's a medical product, it should be sold in pharmacies. If it isn't, then it must be an agricultural product.

That is exactly what Canadian farmers told us: cannabis is an agricultural product. If it is an agricultural product, then it can, of course, be grown on farmland. Cannabis doesn't grow on asphalt, as far as I know. Since it is an agricultural product, will it be subject to the same environmental standards as other agricultural products with regard to runoff and pesticides, for example? Will it be subject to the same laws as any other product? Will it be covered by farm insurance in the event of losses? Drought and excess rainfall are not beyond the realm of possibility. Will it be insured by the federal government? Will the farmland have to be dezoned before cannabis can be planted? These questions have gone unanswered.

All of that to say that I have carefully read Quebec's Bill 157 many times. This bill authorizes four methods for cultivating cannabis: standard cultivation, micro-cultivation, indoor cultivation, and outdoor cultivation. This provincial legislation confirms that cannabis is an agricultural product.

Nevertheless, there is still the problem of residue. An expert from the University of Guelph, in Ontario, said that after the flower blooms, the plant retains 98 per cent toxicity. As you can guess, this is not good for your health.

The other aspect I was wondering about came to me from one of my grandchildren. We were fishing together about two weeks ago, and he asked me about the cannabis bill. He asked me to explain why we were now voting on whether to legalize cannabis, when ever since he was a young boy he's been warned against the harmful effects of cigarettes. He was trying to understand. Is cannabis smoke not as dangerous as cigarette smoke? No one gave us any information on that. What do I tell my grandson? I'm not a doctor. He said, "You smoke, Grandpa." I replied, "I tell you what, son, there are more old smokers than old doctors." That said, Canadians are asking the same questions as my grandson, and we don't have any answers for them.

Nevertheless, I'm satisfied with some aspects of the bill, in particular decriminalization, which I have supported for ages, in another Parliament and in this one. Unfortunately, the government added other elements to this bill. Ultimately, the real question we need to ask ourselves is this: Is it really necessary to move so quickly?

When a bill contains 40 amendments, that means parliamentarians on both sides have serious questions. I sincerely believe that we should share these 40 amendments and study them carefully with experts who could respond to each one of our questions. I am not talking about armchair experts. I mean real experts. That way, when we do this work we can be sure that we found the right solutions. In my opinion, this bill is not pressing. Where's the fire? There is no need to rush this bill through. Neither the government nor the people are ready. When legislation goes through too quickly, the chances of having to

backtrack are higher, unfortunately, and once people acquire something, taking it away to buy time to adapt can be very difficult.

• (1910)

Honourable senators, I hope that all parliamentarians of all parties put their squabbles on hold and take the time to answer the people. I'm sure I'm not the only one who has received hundreds of emails asking us to slow down. Of all the people who wrote to me, only two asked for swift passage of this bill. I am not a statistician, nor am I good with surveys, but my impression is that people are very concerned.

Of course, some people will say this was an election promise. That's true. I have been in politics for 35 years. I have made promises, and I have seen other people make election promises. If all the provincial governments had kept their election promises, we would not be here because there would be no more problems. Election promises are not the reason. There is no use drawing comparisons either. I listened to Senator Eggleton compare Bill C-45 to prohibition, but it is not quite the same thing. Prohibition was not aimed at children aged 12, 13, 14 or 15; it was aimed at adults. I am a father and grandfather many times over, as is Senator Harder. I don't imagine that in 12 or 13 years' time, he would want to see his granddaughter smoking a joint. He would ask her where she got it and who gave it to her, and she would reply that the government let her get it, that her little cousin got it from his place.

The Hon. the Speaker pro tempore: Honourable senators, your time has expired.

[*English*]

Hon. Betty Unger: Fellow senators, I would like to speak on third reading to Bill C-45.

Over two years ago, the Trudeau government announced that they were beginning the process of legalizing the recreational use of marijuana. Since this was part of their election platform — along with 226 other policies, including balancing the budget by 2019 — they maintained that there was no need to consult with Canadians on whether legalization was the right path to take. So, then Justin Trudeau's government launched a task force, stacked with members who had vested interests in legalized marijuana, and asked them for advice on how to proceed — advice the task force was only too happy to provide for them.

Honourable senators, it's telling that at no time did the Trudeau government take a science-based approach to determine if this was good for Canadians. Their decision appears to have been based solely on ideology and political opportunism, with little regard for its impact on the social fabric of our nation. But many others have voiced their concerns.

Over the last two years, the government has been repeatedly admonished for its reckless and irresponsible approach to marijuana legalization. And yet, despite the chorus of voices warning the Trudeau government, it has steadfastly refused to listen.

There is simply not enough time for me to even try to summarize all the concerns. I know my caucus colleagues have spoken mightily against the Trudeau government's approach to marijuana legislation. Also, in the words of witnesses from the Centre for Addiction and Mental Health, "legalization will be a major and unprecedented social and health policy experiment . . . ."

I can't believe that this chamber of sober second thought is choosing to ignore the numerous warnings about many harms that will follow legalization. Instead, we just seem to be marching on ahead in a fog of self-induced opportunism with no solid evidence to support this unscientific decision.

We have heard repeatedly that we are not ready. Police organizations across the country began warning us a year ago that they would need more time to prepare. Health care professionals appeared before the Standing Senate Committee on Social Affairs, Science and Technology, such as Dr. Sharon Levy, Medical Director of the Adolescent Substance Abuse Program at Boston Children's Hospital and Associate Professor of Pediatrics at Harvard Medical School. She warned that:

> . . . health care infrastructure in Canada . . . is not adequately prepared to provide appropriate treatment for teens who do develop cannabis use disorders. This problem stands to become much worse after legal sales of cannabis begin.

She also stated:

> I have treated a number of teen cannabis users who developed schizophrenia right in front of my eyes.

She described how the only way to adequately be able to console these young people was to put her arms around them and just hug them as tightly as she could until they finally stopped with the tremors and began to come out of this cannabis-induced psychotic disorder.

She also warned that Canada has one medical specialist with her qualifications, so how on earth are we going to cope with the medical chaos in emergency room visits that will escalate once this dangerous drug is seemingly approved?

Mental health professionals have warned that the age of possession is too low. Some of my colleagues have spoken extensively about the effects on the brain. My second reading speech was about anandamide, a normal brain substance similar in size and chemical shape to THC, allowing THC to trick the brain into thinking that this is a normally produced chemical.

The list is extensive: children and young people under the age of 25, whose brains are still developing; parents and families; social and religious groups; premiers; mayors; municipalities; law professors and associations; employers; condo and apartment organizations — and the list just goes on.

For the life of me, I cannot understand how on earth any government in any country could proceed with legislation that is so thoroughly being called out by every possible affected group. Even Indigenous groups have repeatedly said they were not consulted, needed more time and were not ready.

I could go on and on with this "we are not ready" mantra, but it is a fact. It is beyond belief that the Trudeau government would choose to trample on the concerns of the majority of people across Canada rather than take the time to study these concerns. I fail to understand why the government is in such a hurry and why this chamber appears ready to give its blessing to this trampling.

• (1920)

The bill before us, sadly and dramatically, will change the fabric of our nation. I do not believe that history will speak kindly of the political masters and sycophants who are enabling this legislation — this dangerous drug — allowing it to become legalized. History will surely condemn people in this place who support this legislation who simply know better. The cost of this legislation will be borne disproportionately by our precious young people, whose lives will be broken, whose dreams will be shattered and disintegrated and whose families will live with loss. Not every young person will experience these things, but too many will, and one is too many.

So today, I will not vote for this Trudeau government agenda. I will not vote for Bill C-45, and I am asking all the senators opposite to do the right thing and just say no to legalizing this dangerous drug. Thank you.

The Hon. the Speaker *pro tempore*: Senator Mockler, on debate.

Hon. Percy Mockler: I would like to quote Senator Lankin. I heard her earlier. I agree with Senator Lankin on some subject matters. I quote: "I believe that complex public policy will always have problems during implementation, and such a complex public policy as Bill C-45, with so much for us still to learn, will for sure have problems. We should expect that and use the opportunity to learn from the challenges we encounter with developmental evaluation."

[*Translation*]

Honourable senators, I must tell you that I always feel sensitive, if not emotional, about rising in a debate that will influence the future of our children and change a public policy that will have a dramatic impact on the quality of life of all Canadians.

[*English*]

I want to share with you, being the son of a single mother, born on welfare — and yes I will share with you — I have seen the effects of substance abuse and the consequences. There is no doubt others have some similar experiences.

Also, with my approximately 34 years as a parliamentarian, coming from the Legislative Assembly of New Brunswick to the Senate of Canada, Bill C-45 is going to change the quality of life of all Canadians. It is not good enough to justify passing such a bill — and we hear this — because it will create jobs and bring more taxes and because we have a majority — a government mandate. "We promised it."

Senators, it is said only fools do not change their minds.

Another justification: We must take it from the hands of criminals.

Honourable senators, I have made a lot of round tables. I have had the opportunity to meet many New Brunswickers in the last six months, and they tell me we need more information. They ask, "Why is the government fast-tracking such a policy decision that will impact us?"

There is no doubt in my mind that this chamber of sober second thought, however, has given its due diligence, and we have given it our best in this debate. Will we have a showdown with the government in the other house if they ignore our amendments? If so, I see Canadians will not accept that venue.

Nevertheless, the day will come when Canadians will decide this matter and — God, thank you — we call it democracy, the next election.

Senators, I agree with my colleague, also from New Brunswick, Senator Lovelace Nicholas, who just said she has concerns and is skeptical about the letter that First Nations received yesterday.

My friends, as Winston Churchill once said, "It is better to be both right and consistent, but if you must choose, you must choose to be right."

[*Translation*]

Honourable senators, I believe that before we vote on this important bill it is our duty and our responsibility as the chamber of sober second thought to attempt to determine if this legislation is valid in its own right, if its objectives are reasonable and attainable, and if, consequently, it will have a beneficial effect on the health and quality of life of Canadians.

As several honourable colleagues pointed out before me, it was essential to take the time to reflect on the bill's scope and determine the impact that this new law will have on Canadian society, no matter where we live in Canada, and to fully inform Canadians of the impact of cannabis on their health and especially on the health of our young people and their grandchildren.

[*English*]

Like many of you, I have deep concerns over this legislation. First, since we represent the same province in this house, I would like to say that I share the concerns expressed by Senators Poirier, McIntyre and Stewart Olsen.

[*Translation*]

Honourable senators, as a jurist and outstanding Canadian legal expert, Senator McIntyre has had a very close look at the effects that the consumption of cannabis can have on our young people.

[*English*]

Senator Stewart Olsen shared her concerns over the health impacts of the legislation and the lack of preparedness in our province on the part of both the provincial government and the various police forces that will be responsible for implementing such a policy.

[*Translation*]

Honourable senators, I too share the concerns expressed by many of our colleagues, and I support the proposals brought forward by Senators Smith, Galvez, Boisvenu, Dagenais and Carignan to improve this bill.

[*English*]

I stand, too, for those statements by Senators Oh and White. We must remind ourselves and let us think about it.

[*Translation*]

A study like the one conducted by the American group Smart Approaches to Marijuana, or SAM, entitled:

[*English*]

Lessons Learned from Marijuana Legislations in Four U.S. States and D.C. The SAM research group, well-known across the world, made up of prominent medical and academic experts from respected institutions such as Harvard Medical School and Boston Children's Hospital, has looked at the impacts on health, safety, crime and the workforce in four states that have, since 2012, legalized recreational marijuana use: the states of Colorado, Washington, Alaska and Oregon and the District of Columbia.

Their findings, honourable senators, were reviewed by prominent scientists and researchers, who concluded that the SAM report "... serves as an evidence-based guide to what we currently observe in various states."

Honourable senators, let me summarize their findings by quoting directly from their report:

> Today's highly potent marijuana represents a growing and significant threat to public health and safety, a threat that is amplified by a new marijuana industry intent on profiting from heavy use.
>
> State laws allowing marijuana have, in direct contradiction to federal law, permitted this industry to flourish, influencing both policies and policy makers. While the consequences of these policies will not be known for decades, early indicators are troubling.

I have no doubt in my mind that the government did not pay attention to these scientific findings and the many others, despite their election promise that they would listen to scientists and act accordingly.

• (1930)

[*Translation*]

Honourable senators, my own concerns echo those of my colleagues, many health experts and stakeholders in education, as well as the municipalities and the police forces that will be directly involved in implementing this new legislation.

Honourable senators, recreational cannabis use and its impact on the mental health of our teenagers are very real concerns for us today and in the years to come. According to psychiatrist Didier Jutras-Aswad of the University of Montreal, who reviewed 120 scientific studies on the subject, the risk of developing psychosis or schizophrenia is four or five times greater among teenagers who use cannabis regularly.

Since it has been proven that the human brain continues developing until the age of 25, a number of health organizations in the country, including the Canadian Paediatric Society, the Canadian Medical Association, and the New Brunswick Medical Society, would have preferred that the legislation prohibit recreational cannabis use before the age of 25. However, we have seen what was in the latest amendments.

[*English*]

Honourable senators, the comments made by various police forces, such as the Fredericton Police Force and the Ontario Provincial Police, are troubling, that police officers will be ill-equipped and not sufficiently trained to ensure public safety in our municipalities and on our highways if the cannabis legislation is approved this summer.

The legalization of marijuana will present new challenges for employers, including the possibility of injuries caused by impairment.

The federal and provincial governments don't invest substantially in prevention and education programs. We will not be providing young Canadians with the information they need now to make such important decisions for their physical and mental health.

[*Translation*]

Honourable senators, as mentioned by the Canadian Association of Chiefs of Police and organizations representing the municipalities, such as the Association des municipalités francophones du Nouveau-Brunswick and the Union of Quebec Municipalities, it is local governments that will have to enforce the new legislation on the ground and keep Canadians safe from organized crime. They need help and support from the federal government. This is an absolute necessity.

[*English*]

As a parliamentarian, my last concern is that Bill C-45 will allow the sale of cannabis on First Nations where substance abuse is already known to be a serious problem, often leading to the premature death of young Canadians.

Certainly the sale and distribution of cannabis should not be allowed on these First Nations until the community leadership has been able to bring these serious abuse problems under control. We should not fall prey to promises.

I am very concerned about the fact that the First Nations have not been consulted. Some of the proposed legislation is even contrary to their right to self-government.

Let us never forget the promises made to First Nations in the past. Let us remind ourselves of the challenges in their communities such as mental health, addiction services, drinking water and housing. I have been here 10 years, and we still have those challenges.

Honourable senators, it becomes more and more evident that the government has hurried this legislation and did not do its homework properly. They are not right on this issue now. We need time. They certainly did not take into consideration the many concerns raised by some 150 Canadian experts who appeared and testified before the five Senate committees.

It is also evident that if the legislation is passed this session, the government will not have all the regulations in place this summer. Therefore, Canadians will start growing their own cannabis plants without proper regulations.

Why not take the time to better inform Canadians about the real impact of cannabis on their health?

I believe that by rushing this legislation through, the government is missing a good opportunity, like Winston Churchill said, to get it right.

Why not put this legislation on hold until January 1, 2019, and proceed right away with a national information campaign on the dangers of cannabis on the health and public safety of our people?

As Winston Churchill said:

> . . . it is better to be both right and consistent. But if you have to choose — you must choose to be right.

To the Government of Canada, let's take the time to get this legislation right.

Thank you very much.

Hon. Yuen Pau Woo: Colleagues, even at the late hour at which we are expected to make the final vote on Bill C-45, I understand there will be a gaggle of reporters in the foyer looking for comment on what we did and how we decided.

As I thought about what I might say to the media, I decided to turn my reflections into a short speech, in part because what I say to the media will also be what I say to my family, my friends, my community and my constituents when I go back to British Columbia.

As many of you will go back to your provinces and hometowns this weekend, I imagine much of the chatter around the kitchen tables and in church halls, or wherever you might hang out, will be questions on what happened that Thursday in the Senate when we were asked to vote on such a consequential bill.

Colleagues, this is what I will say. Let me, first of all, express that I hope the bill does pass. And based on that assumption, I will have a few messages to share.

The first is that the Senate did its job. We have already heard about the extensive review throughout the normal process of this chamber, augmented by a special process whereby five committees reviewed this bill in its various components and spent more than 215 hours studying those various elements.

Countless other meetings took place outside of the formal structure — meetings organized by the sponsor and meetings organized by interested senators. I remember Senator Oh organizing a meeting of the Canadian Association of Paediatric Health Centres, and others who have organized meetings with community leaders, academic researchers, medical specialists, police officers and so on.

The hard work that has gone into the review of this bill for over eight months is evidenced in the nearly 50 amendments that we now see before us.

Now, some of you have interpreted the numerous amendments as a sign of failure, as a sign that the bill was not right in the first place, that it is an excuse and a reason to jettison the bill. I see it quite differently.

The fact that we have about 29 amendments that are so-called technical improvements to the bill is testimony to the fact that this upper house did its job in carefully studying the legislation, finding ways to improve it, even small ways, and being able to persuade the government to accept that. What better testimony to the role of the chamber of sober second thought?

The Senate has also done its job because of the way in which we organized our debate in these last few days but also throughout the committee review process.

I want to remind colleagues that the idea of a structured debate was put forward by none other than our sponsor at the very beginning of the process. I wrote to all leaders back in November 2017 asking for precisely this kind of structured process where we could go through the thematic areas of the bill and have a debate that was cohesive and contiguous. That's the type of debate we have had over the last few days and, as Senator Omidvar has recommended, I hope we will consider it for debates on other bills.

• (1940)

I commend my fellow leaders for their foresight and wisdom in agreeing to the timeline we had, working collaboratively. That, again, is evidence of a new Senate that is working and, once again, I hope this kind of cooperation can continue for future bills.

From the perspective of the Independent Senators Group, I'm so proud of my colleagues, who have demonstrated their willingness, ability and capacity to collaborate in a way that I have not seen before while maintaining their independence, and I think that is, in part, why we've had so many meaningful amendments to the bill.

Having said that, my colleagues supported a number of amendments that came from the Conservatives, and I'm very proud of them for doing so, as well. It is a demonstration, once again, of the independence of our group.

No question, we have seen extraordinary work from our sponsor of the bill and extraordinary work from the chairs of the five committees that led the review of the different aspects of the bill. But as others have already said, I need to give a special shout out to the chair and the two deputy chairs of Social Affairs, Senators Eggleton, Seidman and Petitclerc. They helped us through the most difficult part of the process and took us to the other side, intact and in good shape.

My first message, then, to my community, my friends, my colleagues, my constituents and the media is that this Senate has shown it is working. The new Senate is functioning well, and we should hold our heads up high.

My second message, colleagues, is that there are known harms from the consumption of marijuana, but legalization will do nothing to reduce those intrinsic harms of the drug. Let me say that differently: Legalization does not and will not create those harms. Those harms already afflict many Canadians, and not legalizing cannabis will perpetuate the already dire public health situation that we face because of the ubiquitous availability of illicit cannabis.

My third message is as follows: The best way to reduce those harms of cannabis consumption is, in fact, to legalize and regulate that market. You have already heard the many arguments for legalization and against the criminalization of simple possession of marijuana. We know what these harms are: stigmatization, exclusion, the disproportionate impact on Indigenous peoples and minorities and so on and so forth.

But I want to go a bit further and say that the logic of legalizing the cannabis industry means we have to give that industry the best chance of succeeding. I'm not sure we fully understood that part of the equation, and I encourage senators to think more deeply about what that means as we monitor the industry with great diligence and make sure that legalization does, in fact, succeed and that we are not putting in place regulations or restrictions on the industry that are overly severe.

My fourth message is for parents and youth. The message to parents is simple: Legalization is an opportunity to have conversations with your children about the use of marijuana and the special risks that are associated with use by youth in their teens and in their early twenties.

Colleagues, these conversations are not being had currently, in part because of the illegal status of cannabis. I speak from personal experience, and I truly hope that legalization will make it easier and will unlock the voices of parents everywhere to have those tough conversations, precisely because it will no longer be possible to avoid those conversations.

And if any of them are listening to our debate this evening, let this be crystal clear to them: We want them to have these conversations precisely because legalization is coming, and they need to have them very soon.

I also have a message for youth. My message for youth is that I will tell them the single biggest issue that we fought over in this chamber — which we debated with passion and vigour — is the impact on youth. We all know that. My second reading speech, as some of you may remember, was on the age of access. I questioned whether 18 or 19 was the right age of access given the evidence — some of it disputed — that young brains develop to the age of 23, 24 or 25 and that there are special risks faced by people in that age group taking cannabis. Now, I have since thought more deeply about this issue and come to accept that the age of majority is the most practical and enforceable way of going ahead with the question of age of access. But I think we should still convey to young people that, while cannabis will be legal for those who are aged 18 or 19, depending on the province, they should approach the fact of cannabis as a legal product in the same way that they might think about binge drinking as a legal activity.

I am in favour of the age of majority as the age of access, as I have said, for a variety of reasons, but I'm also inclined to believe in the evidence of a number of medical experts — we have heard them, again, tonight — who feel there could be serious mental health consequences for youth up to age 25 who consume marijuana. We should repeat this message. Even if the research is somewhat in dispute, we should repeat the message because we need to protect our youth as much as possible, and as the research improves we will provide them with new and better information.

But there should be no confusing our youth, whom we do not want to start marijuana — certainly not in their teen years and possibly not even in their early twenties.

Finally, colleagues, my message to all those out there who are interested in this debate is that our work is not done. Bill C-45 is only the beginning. It is not, however, as some of my Conservative colleagues might say, the beginning of the end. The world will not come to an end. The sky will not fall.

Likewise, Bill C-45 is not the beginning of the beginning. It's not the beginning of the beginning because cannabis already exists. There already is a thriving illicit market, and what we are doing is to try to correct a problem that has been with us for a long time. This is not *terra nova*, ladies and gentlemen and colleagues; this is a situation where we have contaminated land that we need to clean up through a judicious program of legalization, regulation and public education.

If it's not the beginning of the end and if it's not the beginning of the beginning, I would say it is, in fact, the gradual end of the beginning — the gradual end, I hope and I pray, of a rampant illicit market that will allow for a transition to the legal production, distribution and consumption of cannabis.

The end of the beginning opens the way for a new approach to cannabis that focuses on public health, harm reduction, strict regulation of legal production and distribution and the reduction of illicit cannabis.

I hope and I know all of us will watch very closely the rollout of cannabis legislation and regulation, and we will not be afraid to put forward adjustments to the legislation and other kinds of course correction as we identify problems in the years ahead.

• (1950)

Now, given our comparative advantage over the House of Commons because of our institutional memory and longevity, the Senate is well placed to monitor the progress and setbacks of cannabis legalization. But make no mistake: If we legalize the cannabis market, we should do everything we can to make it succeed. When the debate has come to an end and if, in fact, Bill C-45 is passed, let us all join together to make sure that its implementation succeeds. Thank you.

Some Hon. Senators: Hear, hear.

Senator Martin: Honourable senators, I rise today on this final day of third reading debate on Bill C-45. I wish to acknowledge, along with my colleagues, all those who made such great efforts in sponsoring, critiquing, analyzing and studying this bill to the greatest extent so that we can all stand proudly today and applaud their efforts.

I am also very proud of our chamber and have always been proud of the good work that our upper chamber does on every piece of legislation and the studies that are brought before committees.

I awoke this morning, as did you, to news of what a historic day it will be. It's D-Day for Ontarians; potential D-Day for the Stanley Cup champions, if that were to be; and the day for us to arrive at the third reading vote.

I also awoke with many thoughts and emotions running through me. I opened up my messenger with many belated messages that I had not had a chance to check because of our busy schedule, and I saw beautiful photos of my nieces and nephews and children of my former students whom I had recently seen.

Although I have spoken and intervened on various speeches, today I stand on behalf of teachers and administrators across our country who are genuinely worried about what will happen should Bill C-45 receive Royal Assent and marijuana be legalized, especially in provinces where the legal age could be set at 18. Schools have clear cause for concern, as 18-year-olds will be in the same schools with younger students — as young as 12 years of age.

I also rise on behalf of parents and grandparents who worry about what to say to their children and grandchildren about a drug that has been illegal to date, at least in my lifetime. What can they say after legalization, when the law will no longer be something they can use to deter their children and grandchildren from developing a habit that may be very difficult to shake?

Since the 2015 election and the promise of legalization of this drug, there are areas in my hometown, Vancouver, where marijuana stores are within steps, and will continue to be within steps, of schools, daycares, playgrounds, community centres and people's own backyards.

Over the course of the debate, senators on all sides quoted expert witnesses and competing research findings about the effects of marijuana use on youth, their brain development and mental health.

Last night I received a link to an article published in Global News on June 6 titled "Canadian students who use marijuana end up with poor health, grades," by Graeme Benjamin. I wish to read this timely article into the record.

> Students who try marijuana at an early age and use it often are more likely to have co-occurring problems, poor health outcomes, and less occupational and educational success in young adulthood, a St. Francis Xavier University (St. FX) and University of Victoria study has found.
>
> The study, conducted by St. FX psychology professor Dr. Kara Thompson and Dr. Bonnie Leadbeater of the University of Victoria, followed a cohort of 662 young people over 10 years.
>
> Researchers interviewed the youth — who were between the ages of 12 and 18 when the study began in 2003 — every two years about substance use, mental health, accomplishments and general well-being.
>
> The researchers observed how substance-use patterns unfolded over time, and how the patterns were influenced by other factors in adolescence and young adulthood.
>
> "We hear a lot about risks for youth using cannabis, especially legalization around the corner, but our understanding of patterns of cannabis use among Canadian youth over time and the consequences of use is actually quite limited," said Dr. Leadbeater in a statement.
>
> "Our hope is that this work sheds light on how young Canadians use cannabis across adolescence and young adulthood, what predicts different patterns of use, and how these patterns contribute to mental health and well-being of young people."
>
> The two studies found five different patterns of cannabis use. Approximately 30 per cent of youth were classified as high-risk, meaning they started using cannabis frequently in early adolescence or increased in use across adolescents and were using more than once a week by young adulthood.
>
> "These risky patterns of use were associated with the poorest health outcomes in young adulthood, including higher levels of substance use disorders, mental health and behaviour problems, as well as lower levels of educational and employment outcomes," the study found.

> Dr. Thompson said the young people who followed high-risk patterns used both cannabis and other substances during adolescence. They were also experiencing other behavioural problems.
>
> "An effective public health approach to reducing cannabis for youth will need to acknowledge the contexts and co-occurring problems that accompany risky cannabis use in young people," Dr. Thompson said in a statement.
>
> The findings from the study are hoped to provide government and other public health practitioners a source to inform current and future cannabis policies.

I share this article with you, colleagues, with the hope that in this eleventh hour, after all is said and done, each one of us will think about the fork in the road that awaits us. Senator Petitclerc talked about the finish line. Yes, it is today's finish line, but we know that other steps will follow, and that is for future debate.

Senator Petitclerc, I can share in your vision — and I think we all do — to make Canada the best in the world, in which youth are empowered to reach their highest potential. However, what I do not share is your confidence that Bill C-45 is potentially the path to achieving this.

In my vision for Canada, it is not to become the best through the legalization of an illicit drug in every other federal jurisdiction in the world, other than Uruguay, but perhaps through saying "no" to Bill C-45. I agree that we should decriminalize and that we should look at that seriously — and perhaps legalization — but when it's a better time. Right now, with the body of evidence, the growing concerns and the growing number of calls and emails that we are all receiving, I feel as though this is not the time and that the risks of legalization, no matter the financial benefits, are too high.

Honourable senators, two roads will diverge. I'm afraid that, depending on the path we follow, way will lead to way and we will never be able to know what could have happened. I know that all of us take this upcoming vote very seriously. Today does feel like a historic day for me, and I'm sure for all of us, and I do hope all of us will choose wisely. Thank you.

Hon. Terry M. Mercer (Deputy Leader of the Senate Liberals): Honourable senators, change takes time. It also takes a little getting used to once it has actually been accomplished. If you look back over past generations, you see such things as women winning the right to vote and, most recently, the right for same-sex couples to marry. Today we cannot fathom how these rights would even be in question. But social change does not come easy and it takes time, sometimes several generations. In the end, change happens, even if we don't want it to, for better or for worse.

• (2000)

The debate over drugs seems never-ending, and I guess it should be. All debate should be never-ending. New ideas, new science and new generations of citizens will come forward with what they believe is a better way for society to live.

When we speak about this current piece of legislation, Bill C-45, we hear both sides of the argument for and against: We need more time to study it; we should have done it years ago; it will affect people in ways we don't know; do we try this and see how it goes? These are natural questions, of course, but at some point, a decision has to be made.

I would remind honourable senators that debate over legalization of marijuana has been going on for decades. An early Senate report on cannabis, the 1955 report of the Senate Special Committee on the Traffic of Narcotic Drugs advocated for the continued prohibition of illicit drugs.

Then in 1972, we had *Cannabis: a report of the Commission of Inquiry into the Non-Medical Use of Drugs*, aka the Le Dain commission report, which included the repeal of the prohibition against the simple possession of cannabis and cultivation for personal use. That was 1972, colleagues.

In 1994, Bill C-7, An Act respecting the control of certain drugs, their precursors and other substances and to amend certain other Acts and repeal the Narcotic Control Act in consequence thereof, was introduced in the other place. The bill died and was reintroduced as Bill C-8 in 1996 and was examined by the Senate.

According to the Canadian Foundation for Drug Policy, several members of the Standing Senate Committee on Legal and Constitutional Affairs publicly stated their support for decriminalization of marijuana, but dropped the idea of recommending that there be no criminal charge for having a few "joints" of marijuana because they felt that it would never pass the House of Commons. They went on to indicate, as Senator Carstairs said, that the panel members were indeed serious about decriminalization but foresaw that a recommendation would be futile at this point. She said in an interview:

> The majority of the Senators — and I was with them — felt all the evidence indicated decriminalization for simple possession is the way we should be going.

The report on Bill C-8 did recommend:

> That the Standing Senate Committee on Legal and Constitutional Affairs strongly urges that a Joint Senate and House of Commons Committee be struck to review all of Canada's existing drug laws, and policies and programs.

On June 2, 1999, the late Honourable Pierre Claude Nolin moved:

> That a Special Committee of the Senate be appointed to reassess Canada's anti-drug legislation and policies, to carry out a broad consultation of the Canadian public to determine the specific needs of various regions of the country, where social problems associated with the trafficking and use of illegal drugs are more in evidence, to develop proposals to disseminate information about Canada's anti-drug policy and, finally, to make recommendations for adoption of an anti-drug strategy developed by and for Canadians under which all levels of government will be encouraged to work closely together to reduce the harm associated with the use of illegal drugs.

The committee did a great amount of work and released its report in September 2002, which I'm sure you've all read; at least I hope you have. It does touch on many issues most senators have raised in debate on Bill C-45 before us today. The report states:

> In effect, the main social costs of cannabis are a result of public policy choices, primarily its continued criminalization, while the consequences of its use represent a small fraction of the social costs attributable to the use of illegal drugs.

Our former colleague goes on to say in this report:

> In our view, it is clear that if the aim of public policy is to diminish consumption and supply of drugs, specifically cannabis, all signs indicate complete failure.

That was the existing situation.

He continues:

> In our opinion, the data we have collected on cannabis and its derivatives provide sufficient grounds for our general conclusion that the regulation of the production, distribution and consumption of cannabis, inasmuch as it is part of an integrated and adaptable public policy, is best able to respond to the principles of autonomy, governance that fosters human responsibility and limitation of penal law to situations where there is demonstrable harm to others. A regulatory system for cannabis should permit, specifically:
>
> more effective targeting of illegal traffic and a reduction in the role played by organized crime;
>
> prevention programs better adapted to the real world and better able to prevent and detect at-risk behaviour;
>
> enhanced monitoring of products, quality and properties;
>
> better user information and education; and,
>
> respect for individual and collective freedoms, and legislation more in tune with the behaviour of Canadians.

Our friend Pierre Claude Nolin.

The committee's report continues:

> In our opinion, Canadian society is ready for a responsible policy of cannabis regulation that complies with these basic principles.

So honourable colleagues, in my examples here, from 1955 to 2002, look at the changes in opinions, and notice how long it took for said opinions to change.

Now think about what we are doing here. It is 2018, 16 years after the Nolin report recommended pretty much what Bill C-45 is doing. Are we ready for this? I think we were then, and I think we are now.

We can always question whether it is time for such legislation, its validity and its safety. What we should not question is the fact that it is time to try something different in the war on drugs. Only then will we see if it has worked, which I am confident it will.

While I may not be happy with some of the amendments that we have agreed to here in the Senate, for better or for worse, I am happy to support this legislation, and I encourage all of you to do so as well.

Hon. Dennis Dawson: Would you take a question in the form of a statement?

I'm very happy. I don't want to take everybody's time with another speech repeating what has been said. But do you think Senator Nolin would have voted for this legislation?

Senator Mercer: I think he would have wanted to sponsor this legislation.

[*Translation*]

Senator Carignan: Did you actually read the Nolin report that said that the brain was fully developed by the age of 16?

[*English*]

Senator Mercer: Each report says something different, and we have evolved as we have gone along. Yes, you have read the report. You know what it says.

Hon. Paul E. McIntyre: Honourable senators, I rise today to speak briefly at third reading of Bill C-45.

I already spoke at second reading of this bill on February 13. At that time, my speech focused on two issues: first, with respect to seeking legal advice on tobacco versus marijuana-related health effects and health care costs; and second, with respect to Canada's international treaty obligations relating to marijuana.

• (2010)

The two issues were posted as written questions on the Senate's Notice Paper.

Colleagues, as we all know, several professional associations and doctors have produced papers or submitted press releases to inform the government on the maximum effort needed to limit the health risks generated by Bill C-45. Those experts have also appeared before our various Senate committees, expressing concerns about the impacts of the legalization of cannabis on young adults, in particular among those who are most vulnerable.

Given that significant risks concern mental health, more specifically for young people, I also join my voice on the dangers of the proposed legalization of cannabis.

Let me share my experience with you. For close to 40 years, I had a law office in northern New Brunswick, specializing in both criminal and civil law. During that period of time, I also had the privilege to act as chairperson of the New Brunswick Criminal Code Review Board, which derives its authority under section 672.38 of the code.

The board deals with individuals suffering from a mental disorder who commit a criminal act, following which they are found by the court to be either unfit to stand trial or, if fit, not criminally responsible because of mental disorder. Those individuals are either released into the community or remanded to a psychiatric hospital pending a disposition hearing by the review board.

A large majority of the cases that I heard as chairperson of the review board were related to the usage of illicit drugs, particularly cannabis.

Now, that said, obviously, the individuals falling under the jurisdiction of the board were vulnerable to the negative mental health effects of cannabis.

As noted by the Government of Canada in the health information that it provides, individuals may experience anxiety or even psychotic symptoms after using cannabis, particularly for inexperienced users or those with pre-existing mental health problems. The information also notes that THC may increase such symptoms.

How can Bill C-45 manage all of the negative mental health impacts of cannabis on our youth and vulnerable people? It simply cannot.

In a short moment, we will be voting on Bill C-45. It is important to recognize the full weight and extreme seriousness of the decision we must make about Bill C-45 and, to the largest extent possible, decide in a way that does the least damage to our youth.

We face a momentous decision, and as legislators, not only are we responsible for the acts we enact, but equally so, we have an enormous responsibility to decide ethically, prudently and wisely.

Honourable senators, let us reflect on the impact our vote will have on Canadians, their physical and mental well-being. I leave you with those thoughts.

Hon. Lynn Beyak: Honourable senators, I rise today to address Bill C-45. I want to thank Senator Frances Lankin for mentioning that she had spoken to her hometown folks earlier. I think nothing is more important to us and our work here in the Senate than talking to the people.

In my own region, the Indigenous and non-Indigenous population alike are now visibly nervous as the unintended consequences of this bill become known through all the media reports and the many witnesses who have come and testified to us that they are simply not ready.

Most importantly, I think we're missing something in that we have a mandate from this Liberal government. There are 36 million Canadians. Almost seven million voted Liberal, six million voted Conservative, four million voted others, and 10 million children under 18 had no vote at all.

To say that the Liberals have a mandate to do something that is going to fundamentally change the face of Canada is simply not true. Voters voted for decriminalization, no record, no jail time. They voted to protect children. They didn't vote for broken international drug treaties; difficult drug transportation enforcement on our roads, rails and in the sky; a blemish on our stellar international reputation; and probable travel restrictions to the USA, our closest neighbour on the longest undefended border in the world and federally enforced laws prohibiting marijuana use there.

The number of amendments to clauses with obvious harm to children should give us all pause. Those children have no voice. The amendments have been proposed or adopted and should be carefully considered in the other place, but before that, I would like us to exercise our sober second thought.

What is the rush? Canada has survived without legal recreational marijuana and thrived for 150 years. Medicinal marijuana is already available for anyone who needs it.

Colleagues should consider, in all good conscience, simply defeating this divisive, complicated, costly, harmful bill and, instead, ask the other place to decriminalize marijuana immediately and then craft a bill that is worthy of the concerns that Canadians have brought to us over these last few weeks.

I think that would be much more suitable than this. A bill that has zero defects, that strives to do it right the first time for our precious children.

Hon. Dennis Glen Patterson: Honourable senators, I rise today to speak to Bill C-45.

Since the bill was introduced in our chamber at the end of November, we have had five committees study it. We have had over 100 witnesses appear and have had months of spirited debate over the bill and potential amendments. This is a credit to the Senate, in contrast to the rushed process in the other place.

Senator Woo talked about all the experts who gave evidence formally and informally. It is too bad their advice was so often ignored.

As you know, I personally travelled to every community in Nunavut and sought the advice of as many community members as possible to help inform my final vote.

What did I hear from the residents of Nunavut in my exhaustive tour? They said what Aboriginal people and leaders have told us from across the country, "Why the rush? We are not ready."

I heard that municipal governments are not ready to deal with employees impaired by marijuana operating heavy equipment in adverse conditions. I heard their astonishment that there is no reliable method of testing for operating a vehicle when impaired by marijuana.

Every community also highlighted the urgent need for increased education on the effects of marijuana and the need to have that understanding and support in place well before legalization.

I heard their concerns that writing local bylaws, developing new human resource policies, training police and bylaw officers would be expensive and time-consuming. I heard their astonishment upon learning that the federal bill would allow persons as young as 18 to possess marijuana. They were amazed there would be no criminal consequences for people as young as 12 possessing up to 5 grams of marijuana. Yet, at the same time, the bill would severely punish persons trafficking to young people.

The people of Nunavut were, understandably, most concerned about protecting youth, a very high demographic in our population. One community I visited, Naujaat, had half its population under 14. I found them to be well aware of the potential dangers of this mind-altering substance on the developing brain. They were well aware of the risk of mental health impacts on people who have been impacted by trauma, a high proportion of the Indigenous population in my territory.

They talked knowledgeably about what we have also heard from medical experts: schizophrenia, anxiety, depression as certain impacts that would be especially felt in Nunavut communities with their fragile social fabric; communities already plagued by family violence, suicide and mental health impacts; communities where, sadly, stand-offs with young people with mental issues and police are becoming almost routine.

They were deeply concerned that there are no culturally-based community wellness and mental health programs, and no addiction treatment facilities in Nunavut or, indeed, in any of the three northern territories.

• (2020)

Some expressed the view that this is all about money, and we have felt these pressures in this place, where the Government Leader in the Senate at first tried to negotiate a third reading vote for the end of April. "Why would the Trudeau government do this to us without consulting us," they asked?

I fervently hope I'm wrong, but I have my doubts about all the promises we have been given, which have been eagerly accepted by supporters of the bill. So let's examine the assurances we have been given.

We're assured that this bill will put the dealers out of business. Colleagues, this issue came up in my community consultations. In Clyde River, Nunavut, an isolated place on Baffin Island, members of the hamlet council told me that unless the price was significantly lower than $10 per gram, suppliers from the South and dealers in the North will undercut the government price by selling in volume through the mail and even covering postage charges.

They also said that unless the government-supplied marijuana has high THC levels — and we're assured by the government this won't happen — the dealers will eagerly sell drugs laden with higher amounts of THC.

Others predicted that dealers would sell to young people or that they would move into new markets for harder drugs.

Then we have the bizarre provision in this bill that will allow unlimited quantities of marijuana in a dwelling house. Admittedly, this can be modified by a province or territory, but, where it's not, this is surely be an invitation to trafficking. It's not a far stretch to imagine a knock on a dealer's door, who has been stockpiling due to a lack of limits on what is allowed in the home, to be approached by someone saying, "My package didn't come in the mail. The plane didn't come in. The store is closed. Can you sell or give me a supply?"

Another thing we're told is that this bill will protect youth. Colleagues, I do fervently hope I'm wrong, but I fear — and many residents of Nunavut do fear — that there will be negative impacts from this bill. The current reality is that Nunavut residents, isolated in 25 remote communities, are commonly paying $50 per gram and up to $100. Making this mind-altering drug more easily available and cheaper in our remote communities will be catastrophic, many people predict. I share this fear. There will be casualties. There will be mental illness. There will be brain damage. There will be deaths.

Now, I may be accused of being alarmist. Some of you folks who live in the South don't see the standoffs, the suicides, the violence that we must live with in the Arctic. In many communities in Nunavut, where half the kids are already not attending school, how will the easy availability of this mind-numbing drug affect school attendance? Just when we're making progress employing Inuit in our fledgling but growing mining industry, how many more mine workers will fail the drug tests imposed by mining companies?

We're told that Indigenous people were consulted. This is clearly skating over the reality. The Aboriginal people, including the Inuit of Nunavut, were given token consultation. First Nations were left out of the revenue streams. They were given no authority to decide for themselves whether they want this mind-altering drug allowed in their communities at all. This gives the lie to the stated intention of our current government to establish a new nation-to-nation relationship, to respect the inherent right to self-government, protected in the Constitution, enshrined in the Constitution, to respect the UN declaration, which calls for informed and prior consent, and to establish new fiscal relations. There have been no significant commitments or progress in developing culturally relevant education materials, nor in supporting community-based counselling and wellness programs,

which will surely be sorely needed more than ever before. There were no significant commitments to providing addiction treatment services.

One organization and Indigenous leader after another has called for a delay so that they can be meaningfully engaged. Now, I do respect the fact that my Indigenous Senate colleagues were more or less satisfied with a letter from two ministers promising continued consultation and engagement on the many issues identified in the report of the Standing Senate Committee on Aboriginal Peoples, promising to address and accommodate jurisdictional issues, a new fiscal relationship, and so on, going forward. "Rest assured," we're told. The phrase is repeated twice in the ministers' letter. "Pass the bill and these issues will be addressed. Rest assured."

No, I will not rest assured. I will wait to see, even though we can't afford to wait in Nunavut. If we get fluff and promises of more dialogue in September, I hope my Indigenous colleagues and fellow committee members will demand action on the promises made yesterday.

We have, colleagues, before us a bill that also creates a convoluted checkerboard regime across the country, with contradicting laws in neighbouring provinces and territories. I believe that we've identified too many flaws and have had proven to us that this bill will not achieve its many stated goals.

Colleagues, I participated in the Le Dain commission hearings as a young law student at Dalhousie University in Halifax. I made a presentation, actually, to Le Dain. I remember meeting with one of the commissioners informally at the time who said that marijuana will cause harms to what he called "the ship of state." The question is: To what extent are we going to jeopardize productivity and mental health and weaken the watertight doors on the ship of state by this measure?

When I look at the rush to pass this bill late in the government's mandate, the huge holes and inconsistencies in the legislation, which I have outlined, not to mention the blatant exclusion of Aboriginal people in the consultation and development of this bill, surely its biggest weaknesses, I have serious concerns whether this bill will be beneficial for our country, for Nunavut, and our broader Canadian society. I believe — and I do fervently hope I'm wrong — that we will pay an intolerable price that we will regret.

I told the people of Nunavut that unless there were guarantees of systems in place to deal with the predictable harms and negative impacts of easy availability of marijuana in Nunavut, I would vote against the bill. I am not assured. I will not vote for this bill. Thank you.

Hon. Sandra M. Lovelace Nicholas: Will the senator take a question?

Senator Patterson: Yes.

Senator Lovelace Nicholas: Senator Patterson, I believe that it would be up to each community to opt in or opt out of the government's legalization of cannabis, so, wouldn't your community have a bylaw not allowing cannabis?

Senator Patterson: I thank the senator for the question.

The First Nations communities, we know — we were told by a Justice Department expert — cannot opt out of the cannabis legislation because it's not allowed in the Indian Act. The Indian Act only allows for local votes on alcohol prohibition. This is a law of general application that will apply to First Nations communities in Canada. In passing this bill, we are going to deprive those First Nations communities of the right to govern themselves, despite our government's declaration of its support for the inherent right to self-government, as entrenched in section 35 of the Constitution.

Now, in my communities of Nunavut that are not governed by the Indian Act, I believe it may be possible for the Government of Nunavut to allow hamlets to enact local prohibitions. They do so now with alcohol, and they may do so with marijuana.

• (2030)

In a discussion paper the Government of Nunavut issued leading up to the discussion of this bill, and before they introduced their own legislation, which is only at a very early stage, they said they felt that the power to prohibit cannabis use in communities would be difficult to enforce. So the Government of Nunavut's stated position is that they won't allow that authority.

I'm more concerned about First Nations communities because they've told us that they govern themselves. They have the responsibility to deal with education and with health and social impacts. They're not getting any revenue because they have been left out of the excise tax, and they are not allowed to make a prohibition because of the Indian Act and because this is a law of general application.

So your community and First Nations communities are left out of this bill unless it's fixed after the fact. I remain optimistic those issues will be addressed, but I'm a skeptic. I'm going to be holding the government and the ministers to account for their promises. I think it's better to correct these things before the bill is passed, not after. That's why I'm voting against it. Thank you.

Hon. Tony Dean: I am the final speaker this evening, as I understand it. I won't be taking my 45 minutes.

I want to start by offering a few thanks. The first is to my independent senator colleagues, who, over the last seven months, joined me in a journey of learning about cannabis and its problems and the challenges across the country.

It has been an interesting journey. As late as yesterday, one or two of my colleagues were still landing on where they wanted to vote, which is evidence of keeping an open mind and not shutting it down too early in the process. I thank them for that.

I thank Senator Eggleton, who was and has been an absolutely superb chair of the Standing Senate Committee on Social Affairs, Science and Technology. It was given an enormously difficult job to filter the work of the other four committees on a hugely complex bill. Senator Eggleton, thank you on behalf of all of us. You did a fantastic job.

Hon. Senators: Hear, hear!

Senator Dean: I want to thank all of our senators here for participating in the debate extensively today, especially in this format. We know it worked in medical assistance in dying. We talked about it for a number of months, and we've used it again here. I think everyone here has been reminded again of the fact that planned and organized debate with themes helps us to follow and prepare and to know what is coming, but more importantly, it helps those people outside of the Senate who want to participate in our work, who want to see what we are doing and who want to follow along. Many of you will have seen your Twitter sites light up with those who are responding almost instantaneously to things happening in here. That's fantastic. With cameras coming in here in the next little while, we're going to have to be at the top of our game, and I think we will be doing much more of this.

I want to thank the chamber staff who support us, and I want to thank staff of the Senate who support all of us in this place. But I want to express particular thanks to my staff. I have two staff. All of the stuff that you have received, all of the briefing materials and all of the advice that many of you have received has been generated by Amanda McLaren and Lauren Thomas. They have done an absolutely superb job.

Hon. Senators: Hear, hear!

Senator Dean: I want to thank public servants in the federal government and particularly those at the Department of Health and the Department of Justice who, to use an English term, have taken a bit of stick over the last few weeks — inappropriately so, in my view. We are blessed, as parliamentarians in this country, to be supported by a professional and non-partisan public service that is among the best in the world, if not the best in the world. They support us, and they serve us daily. They serve Canadians daily, and they earn our trust every day. They deserve our respect, and I thank them for the work they have done in supporting my colleagues and me as we've worked hard on this bill.

I'm going to single out Mr. Eric Costen, the head of the Health Canada's cannabis secretariat. He has been on our cannabis journey since the early days of medical cannabis and he brought all of that expertise into the recreational cannabis discussion. He is one the finest public servants that I have worked with.

I am going to thank one more person. This is a person who has travelled with me not only on this professional journey in terms of the sponsorship of Bill C-45 but also on a personal journey that I didn't expect to be taking that started last November, coincidentally, when the bill came into the chamber, namely, my wife, Marie Boutilier, who is in the chamber up there and has been supporting me wonderfully.

Hon. Senators: Hear, hear!

Senator Dean: One of the questions I'm most often asked as sponsor of Bill C-45 is why on earth did you take that on? The answer is simple: When I saw a complex piece of public policy wrapped up in legislation heading toward this place, I wanted to be part of it. I saw opportunities and not problems. I saw the opportunity to work with that piece of legislation to improve it, to make it the best that it could be and to make it work in the most efficient and effective way that it can for Canadians. I have not been disappointed. This has been a fantastic journey for me, and I've never regretted it for a moment.

I want to share my perspectives on that, though. Having been around public policy, public administration and politicians for the last 25 years, I've noticed that every now and again a government — and it can be a government of any political stripe — decides to embrace, tackle and attempt to resolve a pressing social or health policy challenge. Make no mistake. That's what the government did in choosing to think about legalizing and regulating cannabis. The government was supported by an expert task force, yes. It was a campaign commitment, yes. But this was not an easy thing to take on for a government. It wasn't done on a whim. You don't do these things without expending a significant amount of political capital. Any health and social initiative is complex by its nature, and when things are complex, it's easy to snipe at them. I'll be frank and blunt about that. It's easy to pick away at them. It's not simple like prohibition. It's not simple like "Just say no." It's complex.

Over the last several months, we have had the ability — those of us who wanted to engage in it — to take that legislation apart piece by piece, to understand it, to wrestle with it and to understand the challenges that it is trying to address and the solutions that it is trying to achieve.

We know that the bill is tackling known harms. There is no difference between us on the harms. Perhaps the only difference is that we have heard alleged in this place that we'll see many harms resulting from the passage of this bill. There is not one of those harms that isn't in existence today, pre-cannabis reform. They are all happening right under our noses, and we know that — the health and social impacts in terms of criminalization, particularly of our Indigenous and other racialized Canadians, and in excessive numbers. The massive illegal market is burgeoning right under our noses.

• (2040)

Here is what the government did: The government chose to take the lid off that, to surface those problems and to start a national debate across country about cannabis and what is happening with cannabis in this country right now. That was a brave political move on the part of this government, and it will be one that is historic and that will help, not hinder, Canadians.

In the last several months, we as parliamentarians — and I'll put it this way — have held a significant responsibility in our hands to look at that legislation, to examine it, to make the very best of it and to give of our best advice, as seasoned parliamentarians in some cases and seasoned policy-makers in others. We know this is an approach to tackling problems that were ignored for years. Senator Mercer reminded us of the Nolin report. It's interesting that I haven't heard one of Senator Nolin's

colleagues refer to him in the last seven months. He was a champion of progressive drug reform, 46 years later and on from the Le Dain report.

We've been engaged here in bringing existing problems with cannabis out of the dark and into the light. That's what we have been doing here, and we have been doing a good job of that.

We know it is not working right now. We know that prohibition doesn't work. As we move toward the vote, I'm really clear about the opportunities flowing from Bill C-45 for young Canadians. I support it.

Here is what I have been worrying about over the last few weeks: I worry more about the implications and impact of voting no. That's what would concern me, given all we've learned. As Senator Nolin said himself 16 years ago, legalization and regulation is better and safer for young Canadians than prohibition is. I don't think Senator Nolin's conclusion has changed one bit; if anything, the problems he was talking about have only worsened while we have pretended that prohibition is working.

I'm going to finish; I don't have much more to say. As we consider voting on this bill, what do we know about voting no? We know that a vote against the legalization and regulation of cannabis in this country is a vote for continued prohibition, with continued criminalization of young and older people, particularly those who can least afford it — those who are the most marginalized and disadvantaged in this country.

We are saying, "You take care of yourselves. We like prohibition better. We feel more comfortable with prohibition. You take care of yourselves." We are saying, "The health harms? Well, you know, we'll kind of shut the door and look the other way while young people continue to be harmed by cannabis." We're saying that, "Having waited, I think we like prohibition more, with a burgeoning, growing $6 billion illegal cannabis market in this country in which the product of that illegal market is not tested for potency or contaminants and carries no warning labels, no potency labels, and doesn't come in childproof bags." We know those products are available widely across the country now, and we know there will still be a wider range of products available than will be available in the narrow, limited offerings in a cautionary approach to cannabis legalization, which is being proposed by the government.

I'll just say this again: I would rather not go back there. I would rather not allow those harms to continue, on both the social side and the health side. I would like to join other jurisdictions like those in the U.S. that have seen a significant diversion. In Colorado, there's been a 50 per cent diversion from its illegal market to the legal market. It does work.

So I'm saying I'm voting yes for Bill C-45, and I'm asking those who still consider voting no to think very hard about the implications and consequences of doing that.

Thank you so much.

Some Hon. Senators: Hear, hear!

The Hon. the Speaker: Are honourable senators ready for the question?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: It is moved by the Honourable Senator Dean, seconded by the Honourable Senator Dupuis, that the bill, as amended, be read a third time.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yea.

Some Hon. Senators: Nay.

The Hon. the Speaker: All those in favour will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed will please say "nay."

Some Hon. Senators: Nay.

And two honourable senators having risen:

The Hon. the Speaker: Pursuant to paragraph 2.4 of the order adopted in this House last Thursday May 31st, the bells will ring for 15 minutes, so the vote will be at 9:01 p.m.

• (2100)

Motion agreed to and bill, as amended, read third time and passed on the following division:

YEAS
THE HONOURABLE SENATORS

Bellemare	Harder
Bernard	Hartling
Black (*Ontario*)	Jaffer
Boniface	Joyal
Bovey	Lankin
Boyer	Lovelace Nicholas
Campbell	Marwah
Christmas	Massicotte
Cordy	McCallum
Cormier	McCoy
Coyle	McPhedran
Dalphond	Mégie
Dasko	Mercer
Dawson	Mitchell
Day	Moncion
Deacon	Munson
Dean	Omidvar
Downe	Pate

Dupuis	Petitclerc
Dyck	Pratte
Eggleton	Ravalia
Forest	Richards
Furey	Ringuette
Gagné	Saint-Germain
Galvez	Sinclair
Gold	Wallin
Greene	Wetston
Griffin	Woo—56

NAYS
THE HONOURABLE SENATORS

Andreychuk	McIntyre
Ataullahjan	Meckler
Batters	Neufeld
Beyak	Ngo
Boisvenu	Oh
Carignan	Patterson
Dagenais	Plett
Doyle	Poirier
Housakos	Seidman
MacDonald	Smith
Maltais	Stewart Olsen
Manning	Tkachuk
Marshall	Unger
Martin	Verner
McInnis	Wells—30

ABSTENTION
THE HONOURABLE SENATOR

Cools—1

[Translation]

ADJOURNMENT

MOTION ADOPTED

Leave having been given to revert to Government Notices of Motions:

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): Honourable senators, with leave of the Senate and notwithstanding rule 5-5(j), I move:

> That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Monday, June 11, 2018, at 6 p.m.;
>
> That committees of the Senate scheduled to meet on that day be authorized to sit even though the Senate may then be sitting and that rule 12-18(1) be suspended in relation thereto; and
>
> That rule 3-3(1) be suspended on that day.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

(At 9:11 p.m., the Senate was continued until Monday, June 11, 2018, at 6 p.m.)

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